Agenda--April 17, 2007

California State Board of Education (SBE) meeting agenda.

AGENDA
April 17, 2007

State Board Members

Kenneth Noonan, President
Ruth Bloom, Vice President

James Aschwanden
Alan Bersin
Yvonne Chan
Don Fisher
Ruth E. Green
David Lopez
Theodore Mitchell
Johnathan Williams
Andrew Estep– Student Member

Secretary & Executive Officer
Hon. Jack O'Connell

Executive Director
Roger Magyar

SCHEDULE OF MEETING

Tuesday, April 17, 2007
9:00 a.m. ±

STATE BOARD OF EDUCATION
Closed Session – IF NECESSARY
(The public may not attend.)

LOCATION

California Department of Education
1430 N Street, Room 1101
Sacramento, California
916-319-0827

The Closed Session (1) may commence earlier than 9:00 a.m.; (2) may begin at or before 9:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 9:00 a.m.

CLOSED SESSION AGENDA

Conference with Legal Counsel – Existing Litigation: Under *Government Code* sections 11126(e)(1) and (e)(2)(A), the State Board of Education hereby provides public notice that some or all of the pending litigation which follows will be considered and acted upon in closed session:

- California Association of Private Special Education Schools, et al., v. California Department of Education, et al., Los Angeles County Superior Court, Case No. BC272983, and related appeal (Second Appellate District, Case No. B1818435)
- *California Parents for the Equalization of Educational Materials v. California State Board of Education, et al.* U.S. Eastern District of California, Case No. 2:06-CV-00532-FCD-KJM
- *Californians for Justice Education Fund v. State Board of Education, et. al.,* Alameda County Superior Court Case No. RG06265395
- *Centinela Valley Union High School District v*. State Board of Education, *et al*., Los Angeles Superior Court, Case No. BS093483
- *Coachella Valley Unified School District, et.al., v. State of California, et.al.* Case No. CPF-05-505334

- *Emma C., et al.* v. *Delaine Eastin, et al.*, United States District Court, Northern District of California, Case No. C 96 4179
- *EMS-BP, LLC, Options for Youth Burbank, Inc. et al. v. California Department of Education, et al.*, Sacramento County Superior Court, Case No. 03CS01078 / 03CS01079 and related appeal
- *Hindu American Foundation, et al., v. California State Board of Education, et al.*, Sacramento Superior Court Case No. 06CS00386
- *K.C. et al. v. Jack O'Connell, et al*., U.S. District Court, Northern District of California, Case No. C 05 4077 MMC
- *Kidd, et al., v. California Department of Education, et al.,* Alameda Superior Court Case No. 2002049636
- *Medina, et al., v. State of California Department of Education et al.,* San Francisco Superior Court Case No. CPF-06-506068
- *Mendoza, et al. v. State of California, et al.* Los Angeles Superior Court Case No. BS105481
- *Mendoza, et al. v. State of California, et al., and Los Angeles Parents Union, et al.*, California Court of Appeal, Second Appellate District, Div. Three, Case No. B195835
- *Mendoza, et al*. v. *State of California, et al, and Los Angeles Parents Union, et al.,* California Supreme Court
- *Opportunity for Learning – PB, LLC; Opportunities for Learning – C, LLC, and Opportunities for Learning WSH, LLC* Notice of Appeal Before the Education Audit Appeals Panel
- *Options for Youth, et al., v. California Department of Education, et al.*, Los Angeles Superior Court Case No. BC 347454
- *Options of Youth, - Burbank, Inc., San Gabriel, Inc., Upland, Inc., and Victor Valley* Notice of Appeal Before the Education Audit Appeals Panel, OAH #2006100966
- *Porter, et al.,* v. *Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402
- *Roxanne Serna, et al.,* v. *Delaine Eastin, State Superintendent of Public Instruction, et al*., Los Angles County Superior Court, Case No. BC174282
- *Sonoma County Superintendents of Schools, et. al. v. Special Education Hearing Office, et.al.* Sacramento County Superior Court, Case No. 04AS0393
- *Valenzuela, et al., v. Jack O'Connell, et al., Alameda* Superior Court, Case No. JCCP 4468
- Case Name Unspecified: Disclosure of case names would jeopardize existing settlement negotiations

Conference with Legal Counsel – Anticipated Litigation: Under *Government Code* sections 11126(e)(1) and (e)(2)(B), the State Board of Education hereby provides public notice that it may meet in closed session to decide whether there is a significant exposure to litigation, and to consider and act in connection with matters for which there is a significant exposure to litigation. Under *Government Code* sections 11126(e)(1) and (e)(2)(C), the State Board of Education hereby provides public notice that it may meet in closed session to decide to initiate litigation and to consider and act in connection with litigation it has decided to initiate.

Under *Government Code* section 11126(c)(14), the State Board of Education hereby provides public notice that it may meet in closed session to review and discuss the actual content of pupil achievement tests (including, but not limited to, the High School Exit Exam) that have been submitted for State Board approval and/or approved by the State Board.

Under *Government Code* section 11126(a), the State Board of Education hereby provides public notice that it may meet in closed session regarding the appointment, employment, evaluation of performance, or dismissal of public employees, or a complaint or charge against public employees. Public employees include persons exempt from civil service under Article VII, Section 4(e) of the California Constitution.

Tuesday, April 17, 2007	**California Department of Education**
9:00 a.m. ± (Upon Adjournment of Closed Session, if held) STATE BOARD OF EDUCATION Public Session	1430 N Street, Room 1101 Sacramento, California 916-319-0827

Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY
ALL ITEMS MAY BE RE-ORDERED TO BE HEARD
ON ANY DAY OF THE NOTICED MEETING
THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

Persons wishing to address the State Board of Education on a subject to be considered at this meeting, including any matter that may be designated for public hearing, are asked to notify the State Board of Education Office (see telephone/fax numbers below)

by noon of the third working day before the scheduled meeting/hearing, stating the subject they wish to address, the organization they represent (if any), and the nature of their testimony. Time is set aside for individuals so desiring to speak on any topic NOT otherwise on the agenda (please see the detailed agenda for the Public Session). In all cases, the presiding officer reserves the right to impose time limits on presentations as may be necessary to ensure that the agenda is completed.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990*, any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the California State Board of Education (SBE), may request assistance by contacting the SBE Office, 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone, 916-319-0827; fax, 916-319-0175.

CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD
Public Session

AGENDA

April 17, 2007

Tuesday, April 17, 2007 – 9:00 a.m. ± (Upon adjournment of Closed Session if held)

California Department of Education, 1430 N Street, Room 1101, Sacramento, California

Call to Order

Salute to the Flag

Approval of Minutes (meeting from February 14-15, 2007)

Communications

Announcements

REPORT OF THE SUPERINTENDENT

SPECIAL PRESENTATIONS
Public notice is hereby given that special presentations for informational purposes may take place during this session.

CLOSED SESSION

ITEM 1 (DOC; 152KB; 5pp.)	STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; by law review and revision; Board Liaison Reports; and other matters of interest	ACTION INFORMATION

ITEM 2 (DOC; 57KB; 1pp.)	PUBLIC COMMENT. Public comment is invited on any matter not included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	INFORMATION

ITEM 3 (DOC; 263KB;	Facilities for Charter Schools (Proposition 39): Adopt or Amend Proposed Title 5 Regulations	ACTION INFORMATION

47pp.)		

ITEM 4 (DOC; 982KB; 51pp.)	Standardized Testing and Reporting Program (STAR): California Modified Assessment • State Board of Education Staff Commentary - New (DOC; 77KB; 7pp.)	ACTION INFORMATION

ITEM 5 (DOC; 341KB; 52pp.)	U.S. Department of Education Peer Review: including, but not limited to, performance level descriptors • State Board of Education Staff Commentary 1 - New (DOC; 50KB; 7pp.) • State Board of Education Staff Commentary 2 - New (DOC; 24KB; 2pp.)	ACTION INFORMATION

WAIVER REQUEST NON-CONSENT (ACTION)

The following agenda items include waivers and other administrative matters that CDE staff have identified as having opposition, being recommended for denial, or presenting new or unusual issues that should be considered by the State Board. On a case by case basis public testimony may be considered regarding the item, subject to the limits set by the Board President or by the President's designee; and action different from that recommended by CDE staff may be taken.

ACADEMIC PERFORMANCE INDEX (API)

ITEM W-1 (DOC; 66KB; 3pp.)	Request by Stanislaus Elementary Union School District to waive Education Code (EC) Section 52052(a)(2)(D) the requirement that pupils with disabilities be included in the Academic Performance Index (API) for the school year 2006-07 in order to enable Eisenhut Elementary School to exit from the School Assistance Intervention Team as required by the Immediate Intervention/Underperforming Schools Program. (District wants to remove those scores form the API calculation) Waiver Number: 19-1-2007 (Recommended for DENIAL)	ACTION

CHARTER SCHOOL PROGRAM - PERIOD OF RENEWAL

ITEM W-2 (DOC; 73KB; 3pp.)	Request by Tehama County Office of Education to waive a portion of Education Code (EC) Section 47607(a) to allow the Tehama County Board of Education to reduce the charter school's renewal term from five years to three years (Sacramento River Discovery Charter School). Waiver Number: 29-1-2007 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

TEACHER CREDENTIALING

ITEM W-3 (DOC; 83KB; 3pp.)	Request by Santa Clara Unified School District to waive Education Code (EC) Section 44065 requirement that a person preforming the functions of "the work of instructors and the instructional program for pupils" shall hold a "valid credential as appropriate, whichever is designated in regulations adopted by the Commission on	ACTION

	Teacher Credentialing" Waiver Number: 8-1-2007 (Recommended for DENIAL) • Attachment 2 (DOC; 34KB; 2pp.)	

STATE TESTING APPORTOINMENT REPORT

ITEM W-4 (DOC; 62KB; 2pp.)	Request by sixteen local educational agencies (LEA) to waive the State Testing Apportionment Information Report deadline of December 31st in the California Code of Regulations (CCR), Title 5, Section 11517.5(b)(1)(A) regarding the California English Language Development Test (CELDT), or CCR Title 5, Section 1225(b)(2)(A) regarding the California High School Exit Examination (CAHSEE), or CCR, Title 5, Section 862(c)(2)(A) regarding the Standardized Testing and Reporting Program (STAR). Waiver Numbers: see attached list for specific school districts (Recommended for APPROVAL) • Attachment 1 (DOC; 54KB; 1pp.)	ACTION

*****ADJOURNMENT OF MEETING*****

For more information concerning this agenda, please contact at 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone 916-319-0827; fax 916-319-0175. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number.

This agenda is posted on the State Board of Education's Web site [http://www.cde.ca.gov/be/ag/].

Questions: State Board of Education | 916-319-0827

Last Reviewed: Wednesday, August 03, 2011

CALIFORNIA STATE BOARD OF EDUCATION

APRIL 2007 AGENDA

SUBJECT	
STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; State Board office budget, staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; Board Liaison Reports; and other matters of interest.	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Take action (as necessary and appropriate) regarding State Board Projects and Priorities.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At each regular meeting, the State Board has traditionally had an agenda item under which to address "housekeeping" matters, such as agenda planning, non-closed session litigation updates, non-controversial proclamations and resolutions, bylaw review and revision, Board liaison reports; and other matters of interest. The State Board has asked that this item be placed appropriately on each agenda.

SUMMARY OF KEY ISSUES

Board Member Liaison Reports

Board Members serve as liaisons to various committees, organizations, and issue areas. When appropriate, the Liaisons provide short oral reports on issues of interest to the State Board. At this time, there are several vacant liaison positions that Board Members may wish to accept.

FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable for this "housekeeping" item.

ATTACHMENT(S)

Attachment 1 State Board Bylaws (as amended July 9, 2003) (10 pages)
Attachment 2: Agenda Planner 2007 (2 Pages)
Attachment 3: Acronyms Chart (3 Pages)

AGENDA PLANNER 2007

APRIL 17, 2007 ..... SACRAMENTO

Board Meeting

-

Other Dates of Interest to the State Board:

- **Advisory Commission on Charter Schools, Sacramento, April 20**

MAY 9-10, 2007 ..... SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- CELDT, update/action as necessary
- No Child Left Behind Act, update/action as necessary

Other Dates of Interest to the State Board:

- Curriculum Commission Meeting, Sacramento, May 17-18
- Advisory Commission on Special Education, Sacramento, May 24-25

JUNE, 2007 ..... NO MEETING SCHEDULED

Dates of Interest to the State Board:

JULY 11-12, 2007 ..... SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- CELDT, update/action as necessary
- No Child Left Behind Act, update/action as necessary

Other Dates of Interest to the State Board:

- 2007 Mathematics Primary Adoption, IMAP/CRP Deliberations, Sacramento, July 16-19 (Session 1) AND July 30-Aug. 2 (Session 2)
- Advisory Commission on Special Education

ACRONYMS CHART

ACRONYMS	
AB	Assembly Bill
ACCS	Advisory Commission on Charter Schools
ACES	Autism Comprehensive Educational Services
ACSA	Association of California School Administrators
ADA	Americans with Disabilities Act
ADA	Average Daily Attendance
AFT	American Federation of Teachers
AP	Advanced Placement
API	Academic Performance Index
ASAM	Alternative Schools Accountability Model
AYP	Adequate Yearly Progress
BTSA	Beginning Teacher Support and Assessment
CAHSEE	California High School Exit Examination
CAPA	California Alternate Performance Assessment
CASBO	California Association of School Business Officials
CASH	Coalition for Adequate School Housing
CAT/6	California Achievement Test, 6th Edition
CCSESA	California County Superintendents Educational Services Association
CDE	California Department of Education
CELDT	California English Language Development Test
CFT	California Federation of Teachers
CHSPE	California High School Proficiency Exam
CNAC	Child Nutrition Advisory Council
COE	County Office of Education
ConAPP	Consolidated Applications
CRP	Content Review Panel
CSBA	California School Boards Association
CSIS	California School Information System
CST	California Standards Test
CTA	California Teachers Association
CTC	California Commission on Teacher Credentialing

	ACRONYMS CHART
ACRONYMS	
EL	English Learner
ELAC	English Learner Advisory Committee
ESL	English as a Second Language
FAPE	Free and Appropriate Public Education
FEP	Fluent English Proficient
GATE	Gifted and Talented Education
GED	General Education Development
HPSGP	High-Priority School Grant Program
HumRRO	Human Resources Research Organization
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Program
II/USP	Immediate Intervention/Underperforming Schools Program
IMAP	Instructional Materials Advisory Panel
IMFRP	Instructional Materials Fund Realignment Program
LEA	Local Educational Agency
LEP	Limited English Proficient
NAEP	National Assessment of Educational Progress
NEA	National Education Association
NCLB	No Child Left Behind Act of 2001
NPS/NPA	Non Public Schools/Non Public Agencies
NRT	Norm-Referenced Test
OSE	Office of the Secretary for Education
PAR	Peer Assistance and Review Program for Teachers
PSAA	Public School Accountability Act
ROP	Regional Occupation Program
RLA/ELD	Reading/Language Arts/English Language Development
SABE/2	Spanish Assessment of Basic Education, 2nd Edition
SAIT	School Assistance and Intervention Team
SARC	School Accountability Report Card
SAT 9	Stanford Achievement Test, 9th Edition

	ACRONYMS CHART
ACRONYMS	
SB	Senate Bill
SEA	State Educational Agency
SELPA	Special Education Local Plan Area
SBCP	School Based Coordination Program
SBE	State Board of Education
SSPI	State Superintendent of Public Instruction (Jack O'Connell)
STAR	Standardized Testing and Reporting Program
TDG	Technical Design Group (PSAA Advisory Committee)
USD	Unified School District
USDE	United States Department of Education
UTLA	United Teachers-Los Angeles
WIA	Workforce Investment Act

CALIFORNIA STATE BOARD OF EDUCATION
APRIL 2007 AGENDA

SUBJECT	
PUBLIC COMMENT. Public Comment is invited on any matter not included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	☐ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Listen to public comment on matters not included on the agenda.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

N/A

SUMMARY OF KEY ISSUES

N/A

FISCAL ANALYSIS (AS APPROPRIATE)

N/A

ATTACHMENT(S)

None

ITEM #3

CALIFORNIA STATE BOARD OF EDUCATION

APRIL 2007 AGENDA

SUBJECT	☒ Action ☒ Information ☐ Public Hearing
Facilities for Charter Schools (Proposition 39): Approve Commencement of 15-Day Comment Period for Proposed Amendments to Title 5 Regulations	

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE):

- Approve the proposed amendments to the regulations;
- Direct that the proposed amendments be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act;
- If no substantive comments to the revisions are received during the 15-day public comment period, CDE shall complete the rulemaking package and submit the amended regulations to the Office of Administrative Law for approval; and
- If any substantive comments to the revisions are received during the 15-day public comment period, CDE shall place the amended regulations on the SBE's May 2007 agenda for action following consideration of the comments received.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At the January 2007 SBE meeting, the SBE approved commencement of the rulemaking process for additions and revisions to the regulations pertaining to facilities for charter schools (Proposition 39). The 45-day public comment period concluded at 5:00 p.m. on March 5, 2007. The public hearing was held at 1:00 p.m. on March 5, 2007. There were no speakers at the public hearing. Written comments received before the deadline were summarized in a draft Final Statement of Reasons and presented to the SBE at the March 2007 meeting. The SBE took no action at that time, so the matter is again presented to the SBE.

SUMMARY OF KEY ISSUES

As noted above, the CDE recommends that the SBE amend the regulations and direct that the amended regulations be circulated for a 15-day public comment period. The proposed amendments, which are somewhat different from the CDE's recommendation in March, appear in Attachment 1, and are **printed in bold underline and strikethrough.** Descriptions of the proposed amendments (other than minor technical amendments) are as follows:

1. Amend subdivision (b) of Section 11969.1 (Purpose and Stipulation) to include an example that illustrates the types of alternatives to specific compliance with the regulations that could be explored by charter schools and school districts.

2. Amend subdivision (d) of Section 11969.2 (Definition of Contiguous) to specify that if a school district's preliminary proposal or final notification (i.e., facilities offer) does not accommodate a charter school at a single site, the district's governing board must first make an appropriate finding and adopt a supporting statement of reasons. The amendment ensures that the district's compliance with the *Ridgecrest* decision is publicized.

3. Amend subdivision (a) of Section 11969.3 (Definition of Comparison Group) to clarify that if the district's grade level configuration is different from the charter school's, the district is to provide the charter school an existing facility that is most consistent with the charter school's grade level configuration, but that the school district is not obligated to modify an existing facility to accommodate the charter school's grade level configuration.

4. Amend paragraph (1) of subdivision (b) of Section 11969.3 (Definition of Capacity) to add a definition of "interim housing" that is excluded from the calculation of the ratio of teaching stations (classrooms) to average daily attendance (ADA). This change narrows the exclusion to interim housing for temporarily displaced students and emergency housing for schools vacated due to structural deficiencies or natural disasters.

5. Amend paragraph (2) of subdivision (d) of Section 11969.3 (Additional Provisions Relating to a Charter School Established at an Existing Public School Site) to harmonize the requirements of *Education Code* (*EC*) Section 47614 with the *EC* provisions related to these types of charter schools that bind the schools to a specific school site. Changes of attendance areas and relocations of these types of charter schools are allowed if waivers of the identified provisions are secured first. Also, if the attendance areas of this type of school is changed after the school has already submitted its facilities request (i.e., between November and June) to be effective the following fiscal year, the school is provided a one-year exemption from the requirement to reimburse the district for over-allocated space. Since any reduction in ADA may have resulted from the attendance area change made by the school district.

SUMMARY OF KEY ISSUES (cont)

6. Amend subdivision (a) of Section 11969.8 (Reimbursement Rates for Over-Allocated Space) to fix in time (2005-06) the statewide cost-avoidance amount established by *EC* Section 42263 (which was $1,425 per pupil) and adjust it annually by the cost-of-living increase provided to school district revenue limits.

7. Amend paragraph (1) of subdivision (c) of Section 11969.9 (Contents of the Written Facilities Request) to clarify that prior-year ADA, if any, will be the basis for facilities requests with adjustments for expected changes in enrollment, and to clarify that documentation of the number of in-district students meaningfully interested in attending the charter school is sufficient to determine the reasonableness of the projection though the documentation need not be verifiable for precise arithmetical accuracy.

8. Amend subparagraphs (B) and (C) of paragraph (3) of subdivision (c) of Section 11969.9 (Form for Facilities Requests) to clarify that a request submitted on the CDE-prepared form is a complete request, provided the form is properly filled out and necessary attachments are submitted. The amendments also take account of the possibility that the CDE may not be able to issue the form in a timely manner for facilities requests for 2008-09.

9. Amend subdivisions (f) and (g) of Section 11969.9 (Preliminary Proposal and Charter School Response to Preliminary Proposal) to clarify that the preliminary proposal includes a draft of any proposed agreement pertaining to the charter school's use of the space offered by the school district; to ensure that preliminary proposal ties back to the original facilities request, thereby forming the basis for dialogue and negotiation prior to issuance of the final notification; and to ensure that the charter school addresses differences between the preliminary proposal and its original submission.

10. Delete most of Section 11969.10 (Dispute Resolution), except for the provisions relating to mediation with the agreement of both parties. Upon further consideration, the SBE concurs with the argument that the deleted provisions should be considered in a separate regulatory package.

FISCAL ANALYSIS (AS APPROPRIATE)

The Economic and Fiscal Impact Statement presented at the January 2007 SBE meeting found that no additional costs or savings will result from the proposed regulations. The amendments do not affect the Economic and Fiscal Impact Statement.

ATTACHMENT(S)

Attachment 1: Proposed Amended Title 5 Regulations, Facilities for Charter Schools (21 Pages)

Attachment 2: Draft Final Statement of Reasons (23 Pages)

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 11. Special Programs

Subchapter 19. Charter Schools

Article 3. Facilities for Charter Schools

§ 11969.1. Purpose and Stipulation.

(a) This article governs provision of facilities by school districts to charter schools under Education Code section 47614.

(b) If a charter school and a school district mutually agree to an alternative to specific compliance with any of the provisions of this article, nothing in this article shall prohibit implementation of that alternative**, including, for example, funding in lieu of facilities in an amount commensurate with local rental or lease costs for facilities reasonably equivalent to facilities of the district**.

NOTE: Authority cited: Section 47614(b), Education Code. Reference: Section 47614, Education Code.

§ 11969.2. Definitions.

(a) Average Daily Classroom Attendance. As used in Education Code section 47614(b), "average daily classroom attendance," or "classroom ADA," is average daily attendance (ADA) for classroom-based apportionments as used in Education Code section 47612.5. "In-district classroom ADA" is classroom ADA attributable to in-district students. Nothing in this article shall prohibit a school district from allowing a charter school to include nonclassroom-based ADA in average daily classroom attendance, but only:

(1) to the extent of the instructional time that the students generating the nonclassroom-based ADA are actually in the classroom under the direct supervision and control of an employee of the charter school; and

(2) if the school district and charter school agree upon the time(s) that facilities devoted to students generating nonclassroom-based ADA will be used.

(b) Operating in the School District. As used in Education Code section 47614(b), a

charter school is "operating in the school district" if the charter school meets the requirements of Education Code section 47614(b)(5) regardless of whether the school district is or is proposed to be the authorizing entity for the charter school and whether the charter school has a facility inside the school district's boundaries.

(c) In-district Students. As used in Education Code section 47614(b), a student attending a charter school is an "in-district student" of a school district if he or she is entitled to attend the schools of the school district and could attend a school district-operated school, except that a student eligible to attend the schools of the school district based on interdistrict attendance pursuant to Education Code section 46600 et seq. or based on parental employment pursuant to Education Code section 48204(f) shall be considered a student of the school district where he or she resides.

(d) Contiguous. As used in Education Code section 47614(b), facilities are "contiguous" if they are contained on the school site or immediately adjacent to the school site. If the in-district average daily classroom attendance of the charter school cannot be accommodated on any single school district school site, contiguous facilities also includes facilities located at more than one site, provided that the school district shall minimize the number of sites assigned and shall consider student safety. In evaluating and accommodating a charter school's request for facilities pursuant to Education Code section 47614, the charter school's in-district students must be given the same consideration as students in the district-run schools, subject to the requirement that the facilities provided to the charter school must be contiguous. **If a school district's preliminary proposal or final notification presented pursuant to subdivisions (f) or (h) of section 11969.9 does not accommodate a charter school at a single school site, the district's governing board must first make a finding that the charter school could not be accommodated at a single site and adopt a written statement of reasons explaining the finding.**

(e) Furnished and Equipped. As used in Education Code section 47614(b), a facility is "furnished and equipped" if it includes ~~all the~~ reasonably equivalent furnishings and equipment necessary to conduct classroom~~-based~~ instruction ~~(i.e., at a minimum, desks, chairs, and blackboards)~~ and to provide for student services that directly support classroom instruction as found in the comparison group schools established under

section 11969.3(a) and (as applicable) consistent with the use of the terms furnishings and equipment in the California School Accounting Manual (CSAM), excluding furnishings and equipment acquired with non-district resources.

NOTE: Authority cited: Section 47614(b), Education Code. Reference: Section**s 46600 et seq., 47612.5,** 47614, **48204,** Education Code.

§ 11969.3. Conditions Reasonably Equivalent.

The following provisions shall be used to determine whether facilities provided to a charter school are sufficient to accommodate charter school students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending public schools of the school district providing facilities, as required by Education Code section 47614(b).

(a) Comparison Group.

(1) The standard for determining whether facilities are sufficient to accommodate charter school students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending public schools of the school district providing facilities shall be a comparison group of ~~school~~ district-operated schools with similar grade levels. If none of the district-operated schools has grade levels similar to the charter school, then **~~the comparison group of schools shall be all of the district-operated schools that serve any of the grade levels served by the charter school. When a comparison group includes schools that do not serve similar grade levels,~~** a contiguous facility within the meaning of subdivision (d) of section 11969.2 shall be **~~a~~ an existing** facility that is most consistent with the needs of students in the grade levels served at the charter school. **The district is not obligated to pay for the modification of an existing school site to accommodate the charter school's grade level configuration.**

(2) The comparison group shall be the school district-operated schools with similar grade levels that serve students living in the high school attendance area, as defined in Education Code section 17070.15(b), in which the largest number of students of the charter school reside. The number of charter school students residing in a high school attendance area shall be determined using in-district classroom ADA projected for the

fiscal year for which facilities are requested.

(3) For school districts whose students do not attend high school based on attendance areas, the comparison group shall be three schools in the school district with similar grade levels that the largest number of students of the charter school would otherwise attend. For school districts with fewer than three schools with similar grade levels, the comparison group shall be all schools in the school district with similar grade levels.

(4) **Although** ~~**If a charter school's grade level configuration is different from the configuration of the district's schools,**~~ the district is not obligated to pay for the modification of ~~**a**~~ **an existing** school site to accommodate the charter school's grade level configuration~~**. However**~~, nothing in this article shall preclude the district from entering into an agreement with the charter school to modify ~~**a**~~ **an existing** school site, with the costs of the modifications being paid exclusively by the charter school or by the school district, or paid jointly by the district and the charter school.

(b) Capacity.

(1) Facilities made available by a school district to a charter school shall be provided in the same ratio of teaching stations **(classrooms)** to ADA as those provided to students in the school district attending comparison group schools. School district ADA shall be determined using projections for the fiscal year and grade levels for which facilities are requested. Charter school ADA shall be determined using in-district classroom ADA projected for the fiscal year and grade levels for which facilities are requested. The number of teaching stations **(classrooms)** shall be determined using the classroom inventory prepared pursuant to California Code of Regulations, title 2, s~~S~~ection ~~1859.30~~ 1859.31 ~~of Title 2 of the California Code of Regulations~~, adjusted to exclude classrooms identified as interim housing**.** "**Interim housing" means the rental or lease of classrooms used to house pupils temporarily displaced as a result of the modernization of classroom facilities, as defined in California Code of Regulations, title 2, section 1859.2, and classrooms used as emergency housing for schools vacated due to structural deficiencies or natural disasters**~~**portables**~~.

(2) If the school district includes specialized classroom space, such as science laboratories, in its classroom inventory, the space allocation provided pursuant to

paragraph (1) of subdivision (b)~~(1)~~ shall include a share of the specialized classroom space and/or a provision for access to reasonably equivalent specialized classroom space. The amount of specialized classroom space allocated and/or the access to specialized classroom space provided shall be determined based on three factors:

(A) the grade levels of the charter school's in-district students;

(B) the charter school's total ~~and shall be commensurate with the~~ in-district classroom ADA ~~of the charter school.~~ ; and

(C) the per-student amount of specialized classroom space in the comparison group schools.

(3) The ~~S~~school districts shall allocate and/or provide access to non-teaching station space commensurate with the in-district classroom ADA of the charter school and the per-student amount of non-teaching station space in the comparison group schools. Non-teaching station space is all of the space that is not identified as teaching station space or specialized classroom space and includes, but is not limited to, administrative space, kitchen, multi-purpose room, and play area space. If necessary to implement this paragraph, the district shall negotiate in good faith with the charter school to establish time allocations and schedules so that educational programs of the charter school and school district are least disrupted.

~~(4) Space allocated to a charter school may be shared with school district-operated programs. Sharing arrangements may involve use of a space by a charter school and a school district-operated program at the same time or at different times.~~

(c) Condition.

(1) All of the factors listed below shall be used by the school district and charter school to determine whether the condition of facilities provided to a charter school is reasonably equivalent to the condition of comparison group schools. Condition is determined by assessing such factors as age (from latest modernization), quality of materials, and state of maintenance.

(A) School site size.

(B) The condition of interior and exterior surfaces.

(C) The condition of mechanical, plumbing, electrical, and fire alarm systems.

(D) The ~~conformity~~ condition of mechanical, plumbing, electrical, and fire alarm

systems, including conformity to applicable codes.

(E) The availability and condition of technology infrastructure.

(F) The ~~suitability~~ condition of the facility as a safe learning environment including, but not limited to, the suitability of lighting, noise mitigation, and size for intended use.

(G) The ~~manner in which the facility is furnished and equipped~~ condition of the facility's furnishings and equipment.

(H) The condition of athletic fields and/or play area space.

(2) Notwithstanding ~~subdivision~~ paragraph (1) of subdivision (c), at a charter school~~s~~ established ~~through the conversion from~~ at an existing public school site ~~as described in~~ pursuant to Education Code section~~s~~ 47605(a)(2), 52055.5, 52055.55, or 52055.650, the condition of the facility previously used by the school district at the ~~conversion~~ site shall be considered to be reasonably equivalent to the condition of school district facilities for the first year the charter school uses the facility. During its first year of operation, the charter school shall be subject to charges for pro rata costs pursuant to section 11969.7, but shall not be subject to reimbursement for over-allocated space pursuant to section 11969.8.

(d) Additional Provisions Relating to a Charter School Established at an Existing Public School Site.

The following provisions apply only to a charter school established at an existing public school site pursuant to Education Code sections 47605(a)(2), 52055.5, 52055.55, or 52055.650 and that operated at the site in its first year pursuant to paragraph (2) of subdivision (c).

(1) The school site, as identified in the school's charter, shall be made available to the school for its second year of operation and thereafter upon annual request pursuant to Education Code section 47614. The district is entitled to charge the charter school pro rata costs for the school site pursuant to section 11969.7, and the district is entitled to receive reimbursement for over-allocated space from the charter school pursuant to section 11969.8, except as provided in paragraph (3).

(2)**(A)** If, by material revision of the charter, the location of a charter school is changed, or if one or more additional sites are approved pursuant to Education Code section 47605(a)(4), then the school is entitled to request and the district shall provide

for the use of facilities by the school in accordance with the revised charter, Education Code section 47614, and the provisions of this article.

(B) If the charter school was established pursuant to Education Code section 47605(a)(2), the district shall change the school's attendance area only if a waiver is first secured of the requirement in Education Code section 47605(d)(1) that the school continuously give admission preference to students residing in the former attendance area of the school site.

(C) If the charter school was established pursuant to Education Code sections 52055.5, 52055.55, or 52055.650, the district shall relocate the school or change the school's attendance area only if a waiver is first secured of the provision of statute binding the school to the existing school site.

(D) If a school district decides to change a charter school's attendance area as provided in subparagraphs (B) or (C), and if the decision occurs between November 1 and June 30 and becomes operative in the forthcoming fiscal year, then the space allocated to the charter school is not subject to reimbursement for over-allocated space pursuant to Section 11969.8 in the forthcoming fiscal year.

(3) If, by February 1 of its first year of operation, a charter school notifies the district that it will have over-allocated space in the following fiscal year, the space identified is not subject to reimbursement for over-allocated space pursuant to section 11969.8 in the following year or thereafter, and the district is entitled to occupy all or a portion of the space identified. To recover space surrendered to the district pursuant to this paragraph, a charter school must apply to the district. An application to recover surrendered space shall be evaluated by the district in accordance with the provisions of this article.

NOTE: Authority cited: Section 47614(b), Education Code. Reference: Section**s 47605,** 47614, **52055.5, 52055.55, 52055.650** Education Code.

§ 11969.4. Operations and Maintenance.

(a) Facilities and furnishings and equipment provided to a charter school by a school district shall remain the property of the school district.

(b) The ongoing operations and maintenance of facilities and furnishings and

equipment is the responsibility of the charter school. Projects eligible to be included in the school district deferred maintenance plan established pursuant to Education Code section 17582 and the replacement of furnishings and equipment supplied by the school district in accordance with school district schedules and practices, shall remain the responsibility of the school district. The ~~school district may require that the~~ charter school shall comply with school district policies regarding the operations and maintenance of the school facility and furnishings and equipment, except to the extent variation is approved by the district. However, ~~school districts may not require~~ the charter school~~s to~~ need not comply with policies in cases where actual school district practice substantially differs from official policies.

NOTE: Authority cited: Section 47614(b), Education Code. Reference: Section 47614, Education Code.

§ 11969.6. Location.

A school district may satisfy the requirements of Education Code section 47614 by providing facilities that are located outside the school district's boundaries, subject to other provisions of this article and subject to the restrictions on location of charter schools established in Education Code sections 47605 and 47605.1. No school district is required to provide facilities that are located outside the school district's boundaries to a charter school.

NOTE: Authority cited: Section 47614(b), Education Code. Reference: Section**s 47605, 47605.1,** 47614, Education Code.

§ 11969.7. Charges for Facilities Costs.

If t~~T~~he school district ~~may~~ charges the charter school a pro rata share of its facilities costs for the use of the facilities~~.~~, t~~T~~he pro rata share ~~amount~~ shall not exceed (1) a per-square-foot amount equal to those school district facilities costs that the school district pays for with unrestricted general fund revenues, as described ~~on pages 203-1 and 305-1 of Part I of the 2001 edition~~ in Procedures 105 and 305 of the ~~California School Accounting Manual~~ (CSAM) (at ~~www.cde.ca.gov/fiscal/sacs/csam~~ http://www.cde.ca.gov/fg/ac/sa), divided by the total space of the school district times

(2) the amount of space allocated by the school district to the charter school. The following provisions shall apply to the calculation of the pro rata share of facilities costs:

(a) For purposes of this section, facilities costs that the school district pays with unrestricted general fund revenues includes those costs associated with plant maintenance and operations, facilities acquisition and construction, and facilities rents and leases, as defined ~~on page 81 of Part II of the 2001 edition~~ in Procedure 325 of the ~~California School Accounting Manual~~ (CSAM) (at ~~www.cde.ca.gov/fiscal/sacs/csam~~ http://www.cde.ca.gov/fg/ac/sa). For purposes of this section, facilities costs also includes:

(1) ~~the~~ contributions from unrestricted general fund revenues to the school district's Ongoing and Major Maintenance Account (Education Code section 17070.75), Routine Restricted Maintenance Account (Education Code section 17014), and/or deferred maintenance fund,

(2) costs paid from unrestricted general fund revenues for projects eligible for funding but not funded from the deferred maintenance fund, and

(3) costs paid from unrestricted general fund revenue for replacement of facilities-related furnishings and equipment, that have not been included in **paragraphs (1) and (2) ~~subdivisions (a)(1) and (a)(2)~~**, according to school district schedules and practices.

For purposes of this section, facilities costs do not include any costs that are paid by the charter school, including, but not limited to, costs associated with ongoing operations and maintenance. The value of any tangible items paid for by the charter school shall be adjusted in keeping with a customary depreciation schedule for each item.

(b) For purposes of this section, the cost of facilities shall include debt service costs.

(c) "Space allocated by the school district to the charter school" shall include a portion of shared space where a charter school shares a campus with a school district-operated program. Shared space ~~may~~ includes but is not limited to those facilities needed for the overall operation of the campus, whether or not used by students. The portion of the shared space to be included in the "space allocated by the school district to the charter school" shall be calculated based on the amount of space allocated for the exclusive use of the charter school compared to the amount of space allocated to

the exclusive use of the school-district-operated program.

(d) The per-square-foot charge shall be determined using actual facilities costs in the year preceding the fiscal year in which facilities are provided and the largest amount of total space of the school district at any time during the year preceding the fiscal year in which facilities are provided.

(e) The per-square-foot charge shall be applied equally by the school district to all charter schools that receive facilities under this article and, beginning in 2008-09, each charter school using school district facilities pursuant to Education Code section 47614 shall report the per-square-foot charge it is paying in the current fiscal year to the California Department of Education (CDE). The per-square-foot charge information (as applicable) shall be included in the notification each charter school makes to the CDE by June 1 pursuant to Education Code section 47630.5(b). The CDE shall post the per-square-foot amounts reported by charter schools on its publicly accessible Web site. The CDE shall offer the opportunity to each school district to provide explanatory information regarding its per-square-foot charge and shall post any information received.

(f) If a school district charges a charter school for facilities costs pursuant to this article, and if the district is the charter school's authorizing entity, the facilities are not substantially rent free within the meaning of Education Code section 47613, and the district may only charge for the actual costs of supervisorial oversight of the charter school not to exceed 1 percent of the school's revenue.

NOTE: Authority cited: Section 47614(b), Education Code. Reference: Section**s 17014, 17070.75, 47613,** 47614, **47630.5,** Education Code.

§ 11969.8. Reimbursement Rates for Over-Allocated Space.

(a) Space is considered to be over-allocated if (1) the charter school's actual in-district classroom ADA is less than the projected in-district classroom ADA upon which the facility allocation was based and (2) the difference is greater than or equal to a threshold ADA amount of 25 ADA or 10 percent of projected in-district classroom ADA, whichever is greater. The per-pupil rate for over-allocated space shall be equal to the statewide average cost avoided per pupil set pursuant to Education Code section 42263

for 2005-06, adjusted annually thereafter by the CDE by the cost-of-living adjustment provided for school district revenue limits, rounded to the next highest dollar, and posted on the CDE Web site. The reimbursement amount owed by the charter school for over-allocated space shall be equal to (1) this rate times the difference between the charter school's actual in-district classroom ADA and the projected in-district classroom ADA upon which the facility allocation was based, less (2) this rate times one-half the threshold ADA. For purposes of this subdivision, the actual in-district classroom ADA shall be determined using the report submitted pursuant to ~~S~~section 11969.9**~~(i)~~(l)** in conjunction with the second principal apportionment under Education Code section 41601.

(b) A charter school must notify the school district when it anticipates that it will have over-allocated space that could be used by the school district. Upon notification by a charter school that the charter school anticipates having over-allocated space, a school district may elect to use the space for school district programs. The school district must notify the charter school whether or not it intends to use the over-allocated space within 30 days of the notification by the charter school. If the school district notifies the charter school that it intends to use all or a portion of the over-allocated space, payments for over-allocated space and pro rata share payments shall be reduced accordingly beginning at the time of the school district notification to use the space. If the school district notifies the charter school that it does not intend to use the space, the charter school must continue to make payments for over-allocated space and pro rata share payments. The school district may, at its sole discretion, reduce the amounts owed by the charter school.

(c) With respect to charter schools established at existing public school sites pursuant to Education Code sections 47605(a)(2), 52055.5, 52055.55, or 52055.650, the provisions of this section are limited by the applicable provisions of subdivisions (c) and (d) of section 11969.3.

NOTE: Authority cited: Section 47614(b), Education Code. Reference: Section**s 41601, 42263, 47605,** 47614, **52055.5, 52055.55, 52055.650,** Education Code.

§ 11969.9. Procedures and Timelines for the Request for, Reimbursement for, and Provision of, Facilities.

(a) A charter school must be operating in the school district as defined in Education Code section 47614 before it submits a request for facilities. A new or proposed new charter school is operating within the school district and, therefore, eligible to request facilities for a particular fiscal year only if it submitted its charter petition ~~to a local education agency~~ pursuant to Education Code sections 47605**, 47605.5,** 47605.6, or 47605.8 on or before November ~~15~~ 1 of the fiscal year preceding the year for which facilities are requested. A new charter school is entitled to ~~receive~~ be allocated and/or provided access to facilities only if it ~~received~~ receives approval of the petition before March 15 of the fiscal year preceding the year for which facilities are requested.

(b) To receive facilities during a particular fiscal year, a charter school must submit a written facilities request to the school district ~~by October~~ on or before November 1 of the preceding fiscal year. ~~However, a new charter school, defined as a charter school that did not receive funds pursuant to Education Code section 47633 in the fiscal year preceding the fiscal year for which facilities are requested, must submit its written facilities request before January 1 of the preceding fiscal year. In the absence of a successful local school bond measure, a charter school making a request for facilities under this article in compliance with the procedures and timelines established in this section shall be entitled to receive facilities beginning on November 8, 2003.~~

(c)(1) The written facilities request **consists of**~~**must include**~~:

(A) reasonable projections of in-district and total ADA and in-district and total classroom ADA**, based on ADA claimed for appointment, if any, in the fiscal year prior to the fiscal year in which the facilities request is made, adjusted for expected changes in enrollment in the forthcoming fiscal year**;

(B) a description of the methodology for the projections;

(C) if relevant **(i.e., when a charter school is not yet open or to the extent an operating charter school projects a substantial increase in in-district ADA),** documentation of the number of in-district students meaningfully interested in attending the charter school **that is sufficient for the district to determine the reasonableness of the projection, but that need not be verifiable for precise arithmetical accuracy**;

(D) the charter school's instructional calendar;

(E) information regarding the general geographic area in which the charter school wishes to locate; and

(F) information on the charter school's educational program that is relevant to assignment of facilities.

(2) Projections of in-district ADA, in-district classroom ADA, and the number of in-district students shall be broken down by grade level and by the school in the school district that the student would otherwise attend.

(3) (A) Until subparagraph (B) becomes operative, ~~S~~school districts may require the charter school to submit its facilities request containing the information specified in subdivisions (c)(1) and (2) on a form available from the ~~California Department of Education~~ CDE and developed in consultation with the Advisory Commission on Charter Schools (ACCS) or another form specified by the school district. School districts may also require the charter school either to distribute a reasonable number of copies of the written facilities request for review by other interested parties, such as parents and teachers, or to otherwise make the request available for review.

(B) Beginning with the facilities to be used in 2008-09, the charter school shall submit its facilities request containing the information specified in **paragraphs (1) and (2) of** subdivision~~s~~ (c)~~**(1) and (c)(2)**~~ on a form made available (and periodically revised) by the CDE following consultation with the ACCS and the Office of Public School Construction. The CDE shall post and maintain the form **and the instructions for completing the form** on its publicly accessible Web site. **A facilities request that is submitted on the form specified in this paragraph is a complete request, provided that the form is filled out in accordance with the instructions and that any attachments specified in the instructions are concurrently submitted.**

(C) Unless the CDE posts the form described in subparagraph (B) by October 1, 2007, subparagraph (A) shall continue to be operative for facilities to be used in 2008-09.

(d) The school district shall review the ~~projections and provide the charter school a reasonable opportunity to respond to any concerns raised by the school district regarding the projections~~ charter school's projections of in-district and total ADA and in-

district and total classroom ADA and, on or before December 1, express any objections in writing and state the projections the district considers reasonable. If the district does not express objections in writing and state its own projections by the deadline, the charter school's projections are no longer subject to challenge, and the school district shall base its offer of facilities on those projections.

(e) On or before January 2, the charter school shall respond to any objections expressed by the school district and to the district's projections provided pursuant to subdivision (d). The charter school shall reaffirm or modify its previous projections as necessary to respond to the information received from the district pursuant to subdivision (d). If the charter school does not respond by the deadline, the district's projections provided pursuant to subdivision (d) are no longer subject to challenge, and the school district shall base its offer of facilities on those projections.

(f) On or before February 1, ~~The~~ the school district shall prepare **in writing** a preliminary proposal regarding the space to be allocated to the charter school and/or to which the charter school is to be provided access. At a minimum, the preliminary proposal shall include (1) the projections of in-district classroom ADA on which the proposal is based, (2) the specific location or locations of the space, (3) all conditions pertaining to the space, **including a draft of any proposed agreement pertaining to the charter school's use of the space,** and (4) the ~~associated~~ projected pro rata share amount and a description of the methodology used to determine that amount ~~provide the charter school a reasonable opportunity to review and comment on the proposal~~. The district shall also provide the charter school a list **and description** of the comparison group schools used in developing its preliminary **proposal, and a description of the differences between the preliminary proposal and the charter school's facilities request as submitted pursuant to subdivision (b)~~offer~~**.

(g) On or before March 1, the charter school shall respond **in writing** to the school district's preliminary proposal made pursuant to subdivision (f), expressing any concerns**, addressing differences between the preliminary proposal and the charter school's facilities request as submitted pursuant to subdivision (b),** and/or making counter proposals.

(h) On or before April 1, having reviewed any concerns and/or counter proposals

made by the charter school pursuant to subdivision (g), the school district shall submit **in writing** a final notification of the space offered to the charter school. The notification shall include a response ~~**in writing**~~ to the charter school's concerns and/or counter proposals (if any). The notification shall

~~(e) The school district must provide a final notification of the space offered to the charter school by April 1 preceding the fiscal year for which facilities are requested. The school district notification must~~ specifically identify:

(1) the teaching station, specialized classroom space, and non-teaching station space offered for the exclusive use of the charter school and the teaching station, specialized classroom space, and non-teaching station space to which the charter is to be provided access on a shared basis with district-operated programs;

(2) for shared space, the arrangements for sharing;

(3) the in-district classroom ADA assumptions for the charter school upon which the allocation is based and, if the assumptions are different than those submitted by the charter school pursuant to subdivision (e), a written explanation of the reasons for the differences;

(4) the specific location or locations of the space;

(5) all conditions pertaining to the space;

~~(4)~~(6) the pro rata share amount; and

~~(5)~~(7) the payment schedule for the pro rata share amount, which shall take into account the timing of revenues from the state and from local property taxes.

~~(f)~~(i)The charter school must notify the school district in writing whether or not it intends to occupy the offered space. This notification must occur by May 1 or 30 days after the school district notification pursuant to subdivision (h), whichever is later. The charter school's notification can be withdrawn or modified before this deadline. After the deadline, if the charter school has notified the school district that it intends to occupy the offered space, the charter school is committed to paying the pro rata share amount as identified. If the charter school does not notify the school district by this deadline that it intends to occupy the offered space, then the space shall remain available for school district programs and the charter school shall not be entitled to use facilities of the school district in the following fiscal year.

~~(g)~~(j) The space allocated to the charter school by the school district (or to which the school district provides the charter school access) must be furnished, equipped and available for occupancy by the charter school for a period of at least ~~seven~~ ten working days prior to the first day of instruction of the charter school. For good cause, the period is subject to reduction by the school district, but to no fewer than seven working days.

~~(h)~~(k) The school district and the charter school shall negotiate an agreement regarding use of and payment for the space. The agreement shall contain at a minimum, the information included in the notification provided by the school district to the charter school pursuant to subdivision ~~(e)~~(h). In addition~~, if required by the school district, the agreement shall provide that the charter school shall~~:

(1) ~~Maintain~~ The charter school shall maintain general liability insurance naming the school district as an additional insured to indemnify the school district for damage and losses for which the charter school is liable. The school district shall maintain first party property insurance for the facilities allocated to the charter school. ~~; and/or~~

(2) ~~Comply~~ The charter school shall comply with school district policies regarding the operations and maintenance of the school facility and furnishings and equipment.

(3) A reciprocal hold-harmless/indemnification provision shall be established between the school district and the charter school.

(4) The school district shall be responsible for any modifications necessary to maintain the facility in accordance with Education Code section 47610(d).

~~(i)~~(l) The charter school must report actual ADA to the school district every time that the charter school reports ADA for apportionment purposes. The reports must include in-district and total ADA and in-district and total classroom ADA. The charter school must maintain records documenting the data contained in the reports. These records shall be available on request by the school district.

~~(j) The charter school and the school district may negotiate separate agreements and/or reimbursement arrangements for specific services not considered part of facilities costs as defined in Section 11969.7. Such services may include, but are not limited to, the use of additional space and operations, maintenance, and security services.~~

~~(k) Notwithstanding any of the other provisions of this section, a charter school and~~

~~the school district may mutually establish different timelines and procedures than provided in this section. A school district may establish timelines as much as two months earlier than provided in this section provided that (1) it notify charter schools of the changes, (2) it does not change the dates for submission of facility requests, and (3) charter schools have the same amount of time to respond to the school district's offer of space.~~

NOTE: Authority cited: Section 47614(b), Education Code. Reference: Section**s 47605, 47605.5, 47605.6, 47605.8, 47610,** 47614, Education Code.

§ 11969.10. ~~Procedures and Timelines for Dispute Resolution Regarding Facilities for Charter Schools~~ Mediation of Disputes.

~~(a) A charter school has standing to initiate the dispute resolution process established in this section only if one of the following conditions applies.~~

~~(1) The charter school believes it filed a facilities request in accordance with Education Code section 47614 and this article, but that the school district did not meet its obligations by the deadlines specified in subdivisions (d), (e), or (f) of section 11969.9. Initiation of the dispute resolution process for this purpose must occur not later than ten working days following the deadline alleged to have been missed.~~

~~(2) The charter school believes the facilities offer it was provided pursuant to subdivision (h) of section 11969.9 does not comply with Education Code section 47614 or this article. Initiation of the dispute resolution process for this purpose must occur not later than April 15.~~

~~(3) The charter school believes the school district otherwise failed to comply with Education Code section 47614 or this article.~~

~~(b) A school district has standing to initiate the dispute resolution process established in this section only if the school district believes the charter school has failed to comply with Education Code section 47614 or this article.~~

~~(c) If a school district is also the authorizing entity of a charter school, disputes between the school district and the charter school regarding an alleged violation, misinterpretation, misapplication, or failure to comply with Education~~

~~Code section 47614 or this article shall be resolved using the dispute resolution process identified in the school's charter. If either party does not want to resolve the dispute in the manner identified in the school's charter, or if the school district is not the charter school's authorizing entity, then the following steps apply to resolve the dispute:~~

~~(1) The first step in the dispute resolution process is:~~

~~(A) If the charter school initiates the dispute resolution process, it shall bring the dispute before the school district's governing board, and the district governing board shall respond within 30 days or at the conclusion of the governing board's next regularly scheduled meeting at which the matter can be appropriately noticed for action, whichever is earlier.~~

~~(B) If the school district initiates the dispute resolution process, it shall bring the dispute before the charter school's governing authority as identified in the charter, and the school's governing authority shall respond within 30 days or at the conclusion of the governing authority's next regularly scheduled meeting at which the matter can be appropriately noticed for action, whichever is earlier.~~

~~(C) If a school district governing board or charter school governing authority response pursuant to paragraph (1) of subdivision (c)(1) does not resolve the dispute, or if a response is not received within 30 days, the party initiating the dispute resolution process shall notify the other party (responding party) in writing that it intends to proceed with the second step of the dispute resolution process.~~

~~(2) The second step in the dispute resolution process~~ **If a dispute arises between a school district and a charter school concerning the provisions of Education Code section 47614 or this article, the dispute** is **subject to** mediation, but ~~**it is applicable**~~ only if agreeable to both parties. ~~**If mediation is not agreeable to both parties, the third step in the dispute resolution process applies.**~~ Mediation consists of the following:

~~(A)~~**(a)** The initiating party shall select a mediator, subject to the agreement of the responding party. If, though agreeing to mediation, the parties are unable to agree upon a mediator, the CDE shall be requested by the initiating party to appoint a mediator

within seven days to assist the parties in resolving the dispute. The mediator shall meet with the parties as quickly as possible.

~~(B)~~**(b)** Within seven days of the selection or appointment of the mediator, the party initiating the dispute resolution process shall prepare and send to both the responding party and the mediator a notice of dispute that shall include the following information:

~~(i)~~**(1)** The name, address, and phone numbers of designated representative of the parties;

~~(ii)~~**(2)** A statement of the facts of the dispute, including information regarding the parties' attempts to resolve the dispute;

~~(iii)~~**(3)** The specific sections of the statute or regulations that are in dispute; and

(iv) (4) The specific resolution sought by the initiating party.

~~(C)~~**(c)** Within seven days of receiving the information specified in **subparagraph (B) of paragraph (2) of** su**b**division (c)~~(2)(B)~~, the responding party shall file a written response.

~~(D)(i)~~**(d)(1)** The mediation procedure shall be entirely informal in nature. However, copies of exhibits upon which either party bases its case shall be shared with the other party. The relevant facts should be elicited in a narrative fashion to the extent possible, rather than through examination and cross-examination of witnesses. The rules of evidence will not apply and no record of the proceedings will be made.

~~(ii)~~**(2)** If an agreement is reached, the agreement shall be reduced to writing and shall be signed by the school district and the charter school. The agreement shall not set a precedent for any other case.

~~(iii)~~**(3)** If the school district and the charter school fail to meet within the specified time line, have not reached an agreement within 15 days from the first meeting held by the mediator, or if the mediator declares the parties at impasse, the mediation is terminated~~**, and the parties proceed to the third step in the dispute resolution process**~~.

~~(E)~~**(e)** The costs of the mediation are divided equally by the two parties and paid promptly.

~~**(3) The third and final step in the dispute resolution process is immediate resolution. Immediate resolution consists of the following:**~~

~~(A) The party initiating the dispute resolution process shall request the CDE to immediately resolve the dispute. CDE, at its discretion, shall take either of the following actions, balancing in that decision its determination of the method that will be less expensive and more expeditious:~~

~~(i) Submit the matter to the Office of Administrative Hearings (OAH) for consideration and resolution by an administrative law judge.~~

~~(ii) Prepare within five working days a list of five charter school facility arbitrators. Beginning with the responding party, the parties shall alternatively strike names from the list until only one name remains. Striking names from the list shall occur within five days of the receipt of the list by the responding party. The initiating party shall contact the CDE regarding the selection of the arbitrator. Arbitration shall be scheduled and conducted as quickly as possible following the selection of the arbitrator.~~

~~(B) Prior to the administrative hearing or the arbitration, the parties shall meet to attempt to frame the issue or issues to be submitted to the administrative law judge or arbitrator, share all evidence, determine whether a court reporter is necessary, and attempt to settle the dispute, if possible.~~

~~(C) The administrative law judge or arbitrator shall hold an administrative hearing or arbitration concerning the dispute and render a decision. Both parties shall comply with the decision. The administrative law judge or arbitrator is empowered to include the award of any remedies he or she determines to be reasonable, proper, and in compliance with Education Code section 47614 and this article.~~

~~(D) Unless otherwise specified by the administrative law judge or arbitrator, all costs of the administrative hearing or arbitration, including, but not limited to, the fees of the OAH or the arbitrator's fees, per diem, travel, and subsistence expenses, and the cost, if any, of a hearing room and transcription of the hearing, shall be divided equally by the school district and the charter school and paid promptly.~~

~~(E) Only after the administrative procedures established in this section have been exhausted may judicial review be sought regarding a dispute related to an~~

alleged violation, misinterpretation, misapplication, or failure to comply with Education Code section 47614 or this article.

(F) If judicial review is sought of a decision rendered pursuant to subdivision (c)(3)(C), it shall be incumbent upon the party pursuing judicial review to establish conclusively that the decision does not comply with a provision of Education Code section 47614 or of this article.

NOTE: Authority cited: Section 47614(b), Education Code. Reference: Section 47614, Education Code.

FINAL STATEMENT OF REASONS
Facilities for Charter Schools (Proposition 39)

UPDATE OF INITIAL STATEMENT OF REASONS

The proposed regulations were developed by the California Department of Education (CDE) and recommended to the State Board of Education (SBE) based upon contributions received from a broadly based workgroup convened by the State Superintendent of Public Instruction. The workgroup included representatives of the Advisory Commission on Charter Schools, charter school organizations, county and district school administrators, school boards, certificated and classified employees, and parents. The workgroup was focused on revising the existing regulations pertaining to facilities to charter schools.

Based upon information received during the 45-day public comment period and further consideration by the CDE, a number of minor, technical changes were identified, along with the following major changes:

- Section 11969.1(b) (Purpose and Stipulation). Amend to include an example that illustrates the types of alternatives to specific compliance with the regulations that could be explored by charter schools and school districts.

- Section 11969.2(d) (Definition of Contiguous). Amend to specify that if a school district's preliminary proposal or final notification (i.e., facilities offer) does not accommodate a charter school at a single site, the district's governing board must first make an appropriate finding and adopt a supporting statement of reasons. This addition ensures that the district's compliance with the *Ridgecrest* decision is publicized.

- Section 11969.3(a) (Definition of Comparison Group). Amend to clarify that if the district's grade level configuration is different from the charter school's, the district is to provide the charter school an existing facility that is most consistent with the charter school's grade level configuration, but that the school district is not obligated to modify an existing facility to accommodate the charter school's grade level configuration.

- Section 11969.3(b)(1) (Definition of Capacity). Amend to add a definition of "interim housing" that is excluded from the calculation of the ratio of teaching stations (classrooms) to average daily attendance (ADA). This change narrows the exclusion to interim housing for temporarily displaced students and emergency housing for schools vacated due to structural deficiencies or natural disasters.

- Section 11969.3(d)(2) (Additional Provisions Relating to a Charter School Established at an Existing Public School Site). Amend to harmonize the

requirements of *Education Code (EC)* Section 47614 with the *EC* provisions related to these types of charter schools that bind the schools to a specific school site. Changes of attendance areas and relocations of these types of charter schools are allowed if waivers of the identified provisions are secured first. Also, if the attendance areas of this type of school is changed after the school has already submitted its facilities request (i.e., between November and June) to be effective the following fiscal year, the school is provided a one-year exemption from the requirement to reimburse the district for over-allocated space. Since any reduction in ADA may have resulted from the attendance area change made by the school district.

- Section 11969.8(a) (Reimbursement Rates for Over-Allocated Space). Amend to fix in time (2005-06) the statewide cost-avoidance amount established by *EC* Section 42263 (which was $1,425 per pupil) and adjust it annually by the cost-of-living increase provided to school district revenue limits.

- Section 11969.9(c)(1) (Contents of the Written Facilities Request). Amend to clarify that prior-year ADA, if any, will be the basis for facilities requests with adjustments for expected changes in enrollment, and to clarify that documentation of the number of in-district students meaningfully interested in attending the charter school is sufficient to determine the reasonableness of the projection though the documentation need not be verifiable for precise arithmetical accuracy.

- Section 11969.9(c)(3)(B) and (c)(3)(C) (Form for Facilities Requests). Amend to clarify that a request submitted on the CDE-prepared form is a complete request, provided the form is properly filled out and necessary attachments are submitted. The amendments also take account of the possibility that the CDE may not be able to issue the form in a timely manner for facilities requests for 2008-09.

- Section 11969.9(f) and (g) (Preliminary Proposal and Charter School Response to Preliminary Proposal). Amend to clarify that the preliminary proposal includes a draft of any proposed agreement pertaining to the charter school's use of the space offered by the school district; to ensure that preliminary proposal ties back to the original facilities request, thereby forming the basis for dialogue and negotiation prior to issuance of the final notification; and to ensure that the charter school addresses differences between the preliminary proposal and its original submission.

- Section 11969.10 (Dispute Resolution). Delete the section, except for the provisions relating to mediation with the agreement of both parties. Upon further consideration, the SBE concurs with the argument that the deleted provisions should be considered in a separate regulatory package.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL PUBLIC COMMENT PERIOD OF JANUARY 20, 2007 THROUGH MARCH 5, 2007

Joan Mellea	Parent, Los Altos Hills, California
Christine Kuglen	Parent, San Diego, California
Mary Galvin	Director of Operations, Ventura Charter School
Douglas B. Lloyd	Board Member, Willow Creek Academy
Christine Ferris	Principal, Our Community School

In separate messages, these five individuals described experiences associated with charter school facilities that explained their interest in the regulations. These descriptions did not directly comment on the proposed regulations. However, each individual then cited the following concerns and expressed support for amendments being proposed by the California Charter Schools Association (CCSA).

- **Streamline the Dispute Resolution Process**. "The proposed process for Dispute Resolution in Section 11969.10 is too cumbersome and should be simplified."

Response. Upon further consideration, the SBE concurs with the argument that the dispute resolution provisions should be considered in a separate regulatory package, except for the provisions relating to mediation with the agreement of both parties.

- **Make documentation requirements for charter school facilities requests more explicit and allow charter schools to correct or amend their requests**. "The Procedures and Timelines in Section 11969.9 should provide explicit documentation requirements for an application and allow for a school to correct or amend the application if a district finds it incomplete."

Response. The proposed regulations already address this issue by creating a statewide form that all charter schools will use to make their facilities requests, and eliminating the existing authority for districts to establish their own forms. A complete application exists if the statewide form is properly filled out. Amendments to the proposed regulations ensure that this part of the regulatory package is clear and ensure that the school district and charter school are able to communicate with one another and negotiate on the basis of common understandings.

- **Clarify the reference to the classroom inventory in determining the amount of space charter schools are allowed to use in district facilities**. "The reference to the use of the classroom inventory in Section 11969.3, "Conditions Reasonably Equivalent," needs greater clarity to ensure all district facilities in use are counted."

Response. Upon further consideration, the CDE is proposing amendments that narrow the exclusion for interim housing under the current regulations. The amendments allow exclusion only of interim housing used to house pupils temporarily displaced as a result of the modernization of classroom facilities and classrooms used as emergency housing for schools vacated due to structural deficiencies or natural disasters.

- **Ensure that conversion charter schools can remain at their original sites**. "The sections clarifying the application of Proposition 39 Conversion Schools should ensure that a conversion school can continue to operate on the original site."

Response. The proposed regulations already address this issue. The proposed regulations specify that charter schools created by conversion retain their conversion (original) sites upon annual request unless the charter is materially revised, an action which is initiated by the charter school. The requirement for an annual request (expression of desire) on the part of the charter school is required by statute. The regulations cannot supersede or be contrary to the statute.

Caprice Young	President and Chief Executive Officer, California Charter Schools Association

Various "areas of support" were cited, the purpose of which was to endorse certain aspects of the proposed regulations. The CCSA also expressed support for regulatory changes that would be offered by others relating to charter schools created by conversion. The CCSA letter and attachment cited the following concerns regarding the proposed regulations.

- **Make documentation requirements for charter school facilities requests more explicit**. "…[W]e suggest that the revisions provide explicit supporting documentation requirements that clearly recognize the limitation of the availability of supporting documentation one year in advance of the allocation of a facility and enrollment of the pupils."

Response. The proposed regulations already address this issue by creating a statewide form that all charter schools will use to make their facilities requests, and by eliminating the existing authority for districts to establish their own forms. A complete application exists if the statewide form is properly filled out. Some amendments are being proposed to ensure that this part of the regulatory package is clear and to ensure that the school district and charter school are able to communicate with one another and negotiate on the basis of common understandings.

- **Prohibit charter schools from being required to submit to school districts the names, addresses, and phone numbers of current or prospective students**. Add the following sentence to the regulations: "A charter school shall

not be required to submit the names, addresses, or phone numbers of current students or prospective students in order to support a request for facilities."

Response. In the case of *Environmental Charter High School v. Centinela Valley Union High School District*, the Court of Appeal ruled that a request for facilities could be found to be incomplete if it did not include foundational documentation by which the district could review the reasonableness of average daily attendance (ADA) projections. The Court of Appeal also noted that "directory information" about pupils (e.g., names, addresses, and telephone numbers) can be released for certain purposes, notwithstanding the plaintiff's assertion that such information is confidential. The sentence proposed by the CCSA would be inconsistent with the Court of Appeal decision.

However, amendments to the proposed regulations do address this issue by narrowing the circumstances under which foundational documentation is to be provided. Submission to the district of the names and addresses of meaningfully interested students and parents would be limited to new charter schools (that have no historical information on enrollment and attendance) and continuing schools to the extent of anticipated increases in enrollment. Required information would be limited to names and addresses, consistent with the statement of legislative intent in *EC* Section 49073.5 to "minimize" the release of telephone numbers "in the absence of express parental consent." Names and addresses should be sufficient foundational information for school districts to determine the reasonableness of ADA projections.

- **Establish different documentation requirements for new schools and for continuing schools**. "…The regulations should also establish different documentation requirements for a charter school that is continuing, and therefore has certified Average Daily Attendance for the CDE, as opposed to a new charter school with no enrollment history to support its projects."

Response. The proposed regulations already address this issue through the establishment of the statewide form. Within the form, different requirements can be established for new versus continuing schools. Amendments to the proposed regulations provide still further clarity on this issue.

- **Require the school district to comment on the completeness of the whole of a charter school's facilities request**. "…[T]he proposed regulations allow for a charter school to address [the district's] concerns about its [ADA] projections. However, [the proposal] does not require the district to comment on the completeness of other elements of the school's application… [W]e request that [the proposed regulations] be further amended to allow a school a limited opportunity to cure and correct any alleged deficiencies if a district finds the application incomplete."

Response. The proposed regulations are designed to spread out the workload associated with reviewing charter schools' requests for facilities and developing preliminary proposals. As noted in the Initial Statement of Reasons, "ADA projections are arguably the most essential single element in creating offers of facilities. Thus, focusing attention on the ADA projections separate from all other aspects of a facilities request is appropriate." Expanding the initial review of ADA projections to a full-scale review of the charter school's complete facilities request (within one month of the request's submission) would be contrary to the design objective of spreading out the workload. Amendments to the proposed regulations address this issue in part by ensuring that, at the time a preliminary proposal is made by a district, the district describes differences between the preliminary proposal and the charter school's facilities request. In this way, the charter school will be able to address the differences when responding to the district's preliminary proposal. The district will have the charter school's supplementary information, if any, available prior to the issuance of the final notification.

- **Eliminate "reasonable" as a modifier of "projections" in relationship to ADA projections**. "We have also suggested deleting 'reasonable' to modify 'projections' on the list of application requirements. While we agree the projections must be 'reasonable,' the regulations provide a process for the district to evaluate the reasonableness of the projections. Therefore, the district should not be allowed to reject an application as 'incomplete' if projections and methodology are provided but it simply disagrees with the methodology." [Note: The attachment supplied by the CCSA with the actual text of proposed changes does not appear to incorporate the change described.]

Response. The CCSA does not make a cogent argument. The statute specifies that ADA projections be "reasonable." Moreover, the word "reasonable" is part of the existing regulation. Deleting the word "reasonable" would serve only to create potential confusion between the regulation and the statute.

- **Modify the reference to the classroom inventory to ensure that all classrooms are counted in the calculation of available space**. "…[T]he reference to [the classroom inventory] form must be modified to ensure that all district facilities that could be used as classrooms are counted for the purposes of the Proposition 39 assessment. While it may be considered largely technical, the suggested amendments…will provide the needed clarity on the use of the classroom inventory." [Note: The actual text of the amendments proposed by the CCSA does not cover "all district facilities that could be used as classrooms." Rather, the actual text continues to exclude "classrooms currently in use as interim housing portables."]

Response. Upon further consideration, the CDE is proposing amendments that narrow the exclusion for interim housing under the current regulations. The amendments allow exclusion only of interim housing used to house pupils temporarily displaced as a result

of the modernization of classroom facilities and classrooms used as emergency housing for schools vacated due to structural deficiencies or natural disasters.

- **Require a charter school to be allocated space on a single school district site, unless there is no site physically large enough and irrespective of the charter school's grade level configuration**. "…[F]urther clarification is needed because some districts are not providing facilities to otherwise qualified charter schools unless they have 'extra' space, or if it would not cause any disruption to their current existing programs or services." The CCSA proposes an amendment to specify that the charter school be accommodated on a single school district site unless "the district does not have a single site large enough to house the in-district pupils of the charter school." The CCSA also proposes the addition of two sentences stating, "Schools districts may be required, among other things, to modify programs, change attendance boundaries, or allocate surplus facilities to accommodate a charter school in accordance with *EC* Section 47614 and this Article. The obligation to provide a contiguous school facility to a charter school shall not be impacted by the grade level configuration of the district school sites as compared to the charter school's grade level configuration."

Response. The existing regulation already specifies that a charter school be provided space at a single site unless the school cannot be "accommodated" at a single site. To narrow the reasons that a charter school cannot be accommodated to physical size of facilities goes beyond statute and the *Ridgecrest* court decision, and may lead to unintended consequences, such as the relocation of a program to that serves special students populations (e.g., continuation or special day classes).

The first of the CCSA-proposed additional sentences is confusing and unclear as a regulation, in that it combines permissive ("may") and mandatory ("required") construction. It is ambiguous as to what body or what circumstances would compel a school district to "modify programs, change attendance boundaries, or allocate surplus facilities." As to the issue of the charter school's grade level configuration, this matter is already addressed in the proposed regulations, which add two new sentences on this topic stating, "If none of the district-operated schools has grade levels similar to the charter school, then the comparison group of schools shall be all of the district-operated schools that serve any of the grade levels served by the charter school. When a comparison group includes schools that do not serve similar grade levels, a contiguous facility within the meaning of subdivision (d) of section 11969.2 shall be a facility that is most consistent with the needs of students in the grade levels served at the charter school."

- **Separate the proposed dispute resolution regulations from the rest of the regulatory package**. "In the prior adoption of the Proposition 39 regulations,…[t]he SBE took action to separate the dispute section from the rest of the regulations to avoid holing [sic] up the whole package as the dispute

resolution issues were addressed. We encourage the SBE to do a similar separation in this process…"

Response. Upon further consideration, the SBE concurs with the argument that the dispute resolution provisions should be considered in a separate regulatory package, except for the provisions relating to mediation with the agreement of both parties.

- **Streamline the proposed dispute resolution process and allow pursuit of litigation without first completing dispute resolution**. "We suggest deleting references to steps that would require mutual agreement, and streamlining the process overall. Also,…many [charter schools] do not want to waive their right to judicial resolution."

Response. Upon further consideration, the SBE concurs with the argument that the dispute resolution provisions should be considered in a separate regulatory package, except for the provisions relating to mediation with the agreement of both parties.

Jamie Maltz	Palo Alto Resident

- **Allow at-capacity districts to refuse to provide facilities to charter schools**. "The charter regulations must provide for the ability of at-capacity school districts…to be able to petition OUT of provision of facilities when provision of those facilities can be shown to create a material harmful financial impact for the remaining district students, or when it creates potential for material displacement of students from neighborhood schools."

Response. *EC* Section 47614 requires that a charter school be allowed to use school district facilities to the extent the charter school serves in-district students. Regulations cannot be used to create an exception from the statute, only to implement the statute. Moreover, were it not for the existence of the charter school, the district would be obligated to house the charter school's in-district students, and the charter school is entitled to no more square footage per student than the district has available for the students in the district-run schools.

The individual explains why the Palo Alto Unified School District would be adversely impacted by a charter school that would have a "NEW contiguous population." However, the requirement to provide contiguous facilities to charter schools is a function of statute. The implementing regulations cannot contradict the statute.

- **Provide the school district compensation for the incremental facility costs created by the charter school**. "[T]he regulations should provide for the ability of school districts…to be compensated for incremental facility costs that are created solely through the creation of the charter school in that district."

Response. Existing regulations provide for the school district to collect from the charter school a per-square-foot charge that reflects the district's pro rata general fund costs for the facilities the charter school uses. It is unclear what "incremental facility costs" would include in addition to the costs already incorporated in the per-square-foot charge. Moreover, the creation of a charter school does not increase facility costs per se, as the district is only obligated to provide the use of facilities to the extent a charter school serves at least 80 in-district students, whom the district would have to house if the charter school did not exist.

- **Require charter schools to consider non-cost locations**. "The regulations also do not hold the charter accountable for attempting to locate itself in non-cost effective locations. (In other words, charters are not required to consider location costs and impacts at all in their process; they are shielded from consequences of their location decision.)…[T]he requirement that a school district provide space…would imply that the district would be renting or leasing new space for the charter at very cost prohibitive market rates…This very negative cost effect will be born (sic) by the non-charter district students, with no consequence or impact felt by the charter school that created the situation."

Response. *EC* Section 47605(g) requires that charter petitioners provide "information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be utilized by the school." Therefore, consideration of facilities implications is given by both charter petitioners and charter authorizers when charter petitions are under review, i.e., before the charter school is approved. Neither *EC* Section 47614 nor any other provision of statute (or of these regulations) requires a school district to rent or lease facilities for a charter school. A school district is obligated only to provide the use of facilities for in-district students served by the charter school. Thus, in the absence of the charter school, the district would still have costs for housing the affected students. Finally, it is unclear what location would truly be a "non-cost location." Any facility in which the charter school locates will have some cost associated with it.

- **Require charter schools to explain why they have located in a particular district**. "And, a charter should be required to explain, evaluate and defend why it has chosen a particular district, over neighboring districts, particularly in the case where the district is a basic aid district that will incur negative financial impact, where other viable district alternatives exist."

Response. The proposed regulations concern the provision of facilities to charter schools under *EC* Section 47614. This issue is beyond the scope of the regulatory authorization set forth in *EC* Section 47614(b)(6).

- **Require a charter school to bear its fair share of the impact**. "A charter school should be required to bear its fair share of the impact of its ability to create its own destiny, by reserving itself a space in any school district it chooses. It

should be required to observe some of facility constraints that exist in that district, and to foot some portion of the incremental cost impact that the rest of the district will bear for implementing the charter in that district. Otherwise the entire brunt of the incremental cost is born (sic) by non-charter school children in that district. This is a severe tipping of the balance in favor of a charter school over the public school system.

"The charter schools should not be given the unfettered ability to 'break' a school district, and the public school district must be protected from the chartering (sic) petitioners' ability to do so. Particularly in cases where the public school district is a proven effective district that serves the majority of residents of the community. Otherwise, the desires of a very small interest group, can trump and severely damage the delivery of public education to the majority."

Response. Charter schools are part of the public school system. A charter school does not "create its own destiny." Rather, a charter school exists because the charter has been approved by a school district (in over 90 percent of the cases), county office of education, or the SBE. By law, charter schools are generally required to locate within the school districts that approve the charter, and facility issues are required to be addressed in every charter petition. The school district is empowered to charge the charter school for the pro rata general fund cost of the facilities the charter school is permitted to use under *EC* Section 47614. The school district is obligated to provide facilities for use by the charter school only to the extent the charter school serves in-district students. If the charter school did not exist, the district would be obligated to house the students who attend the charter school.

Mary Lou Westmoreland	PTSA President, Granada Hills Charter High School

- **Treat conversion charter schools differently**. "While start-up and conversion charter schools have many similarities, separate language needs to be crafted differentiating conversion charters located on a district facility from start-up charters. Conversion charter schools are schools of residence with geographic boundaries set by the sponsoring district.

Response. The proposed regulations do recognize essential differences in charter schools created by conversion. Specific regulations to address the unique circumstances of such schools is already incorporated. Moreover, the proposed amendments elaborate on the provisions related to charter schools created by conversion, including the issue of the former attendance area.

- **Allow conversion charter schools to retain their original sites**. "Language should be included to ensure that a conversion charter school can continue to operate on the original site."

Response. The proposed regulations already allow charter schools created by conversion to retain their original sites by annual request, because the charter ties the school to a specific site. Such a charter school may be relocated only if the charter is first materially revised, an action that is initiated by the school.

- **Do not permit conversion charter schools to be moved without consent**. Language should be included that requires the mutual consent of both the conversion charter school and the sponsoring district if the conversion charter is to be moved to another site.

Response. The proposed regulations already require that a charter school created by conversion is subject to relocation only after material amendment of the charter to specify a new location. A material amendment of the charter is developed by the charter school and then presented by the charter school to the charter authorizer.

- **Limit oversight fees to one percent of revenue if pro rata charges are made**. "If the sponsoring district assesses a pro-rata share charge to the charter school for its use of a district facility, language is needed that limits the sponsoring district's oversight charge to up to one (1) percent."

Response. The proposed regulations already address this issue. A proposed new subdivision (Section 11969.7(f)) states, "If a school district charges a charter school for facilities costs pursuant to this article, and if the district is the charter school's authorizing entity, the facilities are not substantially rent free within the meaning of *EC* Section 47613, and the district may only charge for the actual costs of supervisorial oversight of the charter school not to exceed 1 percent of the school's revenue."

Lorraine Sparaco	Palo Alto, California

- **Address the special problems of basic aid districts**. This individual discusses a specific matter involving the Palo Alto Unified School District, a basic aid district. The message suggests that creation of a new charter school could severely impact the district's facilities situation. Although the message does not directly address any provision of the proposed regulations, it concludes with a general request: "I ask that you address the (possibly?) unintentional consequences of the current regulations as they impact basic aid districts."

Response. *EC* Section 47614 makes no distinction between basic aid and non-basic aid school districts. All school districts are required to provide charter schools the use of facilities for the in-district students the charter schools serve. Regulations that implement the statute cannot be used to create an exemption from the statutory requirement for basic aid districts.

Granada Hills Charter High School	
Brian Bauer	Executive Director

Sonja Eddings Brown	Governing Board President and Parent
Steve Bourgouin	Governing Board Teacher Member
Adriana Coria	Governing Board Classified Member
Elizabeth Cox	Governing Board Teacher Member
Martin Eisen	Governing Board Teacher Member
Joan Lewis	Governing Board Administrator Member
Pat Mitchell	Governing Board Teacher Member
James W. Salin	Governing Board Parent Member

This co-signed letter cites the following concerns:

- **Treat conversion charter schools differently**. "While start-up and conversion charter schools have many similarities, separate language needs to be crafted differentiating conversion charters located on a district facility from start-up charters. Conversion charter schools are schools of residence with geographic boundaries set by the sponsoring district.

Response. The proposed regulations do recognize essential differences in charter schools created by conversion. Specific regulations to address the unique circumstances of such schools is already incorporated. Moreover, the proposed amendments elaborate on the provisions related to charter schools created by conversion, including the issue of the former attendance area.

- **Allow conversion charter schools to retain their original sites**. "Language should be included to ensure that a conversion charter school can continue to operate on the original site."

Response. The proposed regulations already allow charter schools created by conversion to retain their original sites by annual request, because the charter ties the school to a specific site. Such a charter school may be relocated only if the charter is first materially revised, an action that is initiated by the school.

- **Do not permit conversion charter schools to be moved without consent**. Language should be included that requires the mutual consent of both the conversion charter school and the sponsoring district if the conversion charter is to be moved to another site.

Response. The proposed regulations already require that a charter school created by conversion is subject to relocation only after material amendment of the charter to specify a new location. A material amendment of the charter is developed by the charter school and then presented by the charter school to the charter authorizer.

- **Limit oversight fees to one percent of revenue if pro rata charges are made**. "If the sponsoring district assesses a pro-rata share charge to the charter school

for its use of a district facility, language is needed that limits the sponsoring district's oversight charge to up to one (1) percent, not the up to three (3) percent oversight charge for a 'rent free' facility."

Response. The proposed regulations already address this issue. A proposed new subdivision (Section 11969.7 [f]) states, "If a school district charges a charter school for facilities costs pursuant to this article, and if the district is the charter school's authorizing entity, the facilities are not substantially rent free within the meaning of *EC* Section 47613, and the district may only charge for the actual costs of supervisorial oversight of the charter school not to exceed 1 percent of the school's revenue."

- **Allow conversion charter schools to request additional space**. "Language should be included that allows conversion charter schools to request additional space for the facility as enrollment increases, especially due to residential students returning from private and other schools."

Response. There is no need for permissive language to "allow" a charter school created by conversion to request additional space. Except with respect to its first year of operation, when a conversion site is considered to be reasonably equivalent housing for the charter school's students, a conversion charter school is like any other charter school operating in the district. By statute, the school is entitled to the use of facilities for all in-district students. Permissive construction is generally not appropriate for regulations.

- **Ensure that a conversion charter school is not penalized by a district's decisions**. "Language should be included that does not penalize a conversion charger school for declining enrollment due to a district's decisions (i.e., boundary change or traveling student pattern changes that are determined by the sponsoring district)."

Response. This is problematic to address in regulations, as the concept of "penalizing" the conversion charter school is ambiguous, as is the remedy. For example, would the intent be to permit a conversion charter school to retain control of district space that it is not using? However, despite this ambiguity, amendments to the proposed regulations address this topic in part. Prior to altering the attendance area of a conversion charter school, a district would need to obtain a waiver of the statutory provisions binding the school to the attendance area. Through the waiver process, modification of the attendance area of a conversion charter school would be subject to review by the SBE.

- **Ensure that a conversion charter school receives an equitable amount of space**. "Language should be included that assures an equitable 'loading formula' is used when allocating space to a conversion charter school."

Response. A charter school created by conversion is entitled to the use of the same amount of space as any other charter school based upon the in-district students served.

Conversion charter schools are exempted from reimbursement for over-allocated space for one year, which provides a fair opportunity to account for and respond to enrollment changes.

Pauline Navarro	Parent, Palo Alto Unified School District

- **Address the special problems of basic aid districts**. This individual discusses how the creation of charter schools could severely impact the facilities situation in a basic aid district (presumably the Palo Alto Unified School District in particular). Although the message does not directly address any provision of the proposed regulations, it concludes with the following request: "Please consider adding regulations to this bill which specifically address the financial implications of Charter Schools on Basic Aid Districts."

Response. *EC* Section 47614 makes no distinction between basic aid and non-basic aid school districts. All school districts are required to provide charter schools the use of facilities for the in-district students the charter schools serve. Regulations that implement the statute cannot be used to create an exemption from the statutory requirement for basic aid districts.

Stephanie Medrano Farland	Senior Policy Analyst, California School Boards Association
Richard L. Hamilton	Associate General Counsel and Director, Education Legal Alliance, California School Boards Association
Laura Walker Jeffries	Legislative Advocate, Association of California School Administrators
Sandy Silberstein	Director of Governmental Affairs, California Association of Business Officials

In a joint letter, the above-listed individuals urged the SBE to "reject the proposed regulations beyond its authority" and "reject the proposed regulations which create unfair and unlawful burdens upon school districts." The following specific objections were cited:

> **Do not modify the definition of "furnished and equipped" to include student services that directly support classroom instruction and to include a reference the California School Accounting Manual**. The proposed regulations appear "to require school districts to provide front office equipment and additional, though undefined, support furnishings and equipment…[T]he provision exceeds the scope of section 47614 which focuses on housing charter school students rather than equipping a charter school program…
>
> "This creates an unfunded cost obligation for school districts…[A] district would be required to incur additional debt on behalf of the charter school in order to

meet this obligation and there would be no mechanism to recoup the interest payments from the charter school…

"…[T]he draft regulation's citation to California School Accounting Manual does not offer any definition to the terms furnishing and equipment as used in this provision…"

Response. The Initial Statement of Reasons notes that the proposed regulations divide the current reference in Section 11969.2(e) – "conduct classroom-based instruction" – into its two component parts, (1) conducting classroom instruction and (2) providing for students services that directly support classroom instruction. Both are essential and clearly within the scope of *EC* Section 47614. The commenters' argument that the district would be required to provide the charter school a complete and separate set of front office equipment is without foundation. The charter school is entitled to the use (access to) equipment, but there is no requirement for a school district to purchase separate equipment for the charter school. The proposed regulations create no funding obligation that exceeds the statute itself. *EC* Section 47614 imposes the requirement that facilities be furnished and equipped. The reference to the California School Accounting Manual (CSAM) is clearly noted in the proposed regulations to be "as applicable." While the CSAM does not have a precise definition of furnishings and equipment, it nonetheless contains information that is more comprehensive than the limited, partial list of examples appearing in the existing regulations.

- **Delete the proposed regulations related to conversion charter schools**.
  "…[T]he proposed language would provide conversion charters with rights to occupy specified facilities beyond that provided to start-up charters and even beyond that provided to other (non-charter) schools in a district…[A]ny effort to provide a separate set of regulations governing conversion charters is beyond the scope of the regulatory process...

  "…Because the proposed regulations, in effect, eliminate the annual [facilities request] process for conversion charters by requiring districts to provide a particular site, this provision is invalid as in contravention of the statute's express terms…

  "Requiring a district to maintain a conversion charter school on a particular site, allowing a district to move the charter school only if the charter school decides to change its charter, favors the conversion charters and means districts lose all discretion over the use of those school sites… These provisions also assume that regardless of whether the charter experiences declining enrollment, it would have primary rights over other charters or district programs to maintain the site.

  "…Because the proposed regulations absolve conversion charter schools of the mandatory over-allocation fee, the provision is invalid as in conflict with the statute's express terms…

"…The provision eliminating the over-allocation fee not only defies the statute's mandatory language but also provides tacit approval to these charter schools to submit excessive projections at cost to the district (lost space) without means of recovery...

"Because the regulations may not contravene the language of the statute, Commenters submit that the provisions of section 11969.3(d) are invalid and must be deleted."

Response. The proposed regulations do not contravene statute and are not invalid. Rather, they harmonize the provisions of *EC* Section 47614 with other statutory provisions governing the creation of charter schools by conversion. The clear intent of the statutory scheme is for a charter school established by conversion to remain at its existing location and serve the same attendance area as existed at the time of conversion. The proposed regulations do not exempt these charter schools from reimbursement for over-allocated space, nor to the proposed regulations exempt these schools from the requirement to submit annual facilities requests. Rather, they affect only the timing of when the over-allocated space reimbursement initially applies. To apply over-allocated space reimbursement to a charter school immediately after conversion becomes operative would be an absurd result, just as it would to award such a school more space (than exists at the converted school site) when operation is initially commencing. The first year of operation is one in which neither such action takes place. The proposed regulations harmonize the statutes in a very reasonable fashion, deferring application of over-allocated space reimbursement for the initial year of operation, but requiring the charter school to report over-allocated space by February 1 of that initial year of operation. The district is entitled to occupy "all or a portion of the space identified." Charter schools established by conversion are specifically subject to over-allocated space reimbursement after the first year of operation, and they are only allowed to recover surrendered space by application (evaluated in keeping with the provisions of the article).

- **Delete the proposed regulations regarding oversight fees**. "[The] SBE has been given no authority to define the terms of section 47613 and its authority to implement regulations is limited to the delegation stated in section 47614…

  "Because there has been no delegation to define terms contained within a statute other than section 47614, Commenters request that section 11969.7, subdivision (f), be deleted."

Response. Section 11969.7(f) addresses the imposition of charges for facilities costs under *EC* Section 47614, defining such action as making the facilities "not substantially rent free." The proposed regulation is properly within the rulemaking authority specified in *EC* Section 47614.

- **Delete the proposed regulations requiring reciprocal indemnification**. "Section 11969.9(k)(3) requires that a facility use agreement…contain a reciprocal indemnification provision…The grant of authority to SBE to adopt regulations…provides no indication that the voters authorized a shifting of liability to school districts…

  "Therefore, proposed section 11969.9(k)(3) should be deleted."

Response. Through enactment of Proposition 39, the people established *EC* Section 47614 which contains a broad grant of rulemaking authority for the SBE, including authority for regulations "defining the procedures" that govern the provision of facilities to charter schools. This broad grant of rulemaking authority is clearly sufficient to cover adoption of paragraph (3) of subdivision (k) of Section 11969.9. The reciprocal hold-harmless/ indemnification provision is a solid business practice to ensure the security of the public's investment in the facilities owned by the school district and used by the charter school.

- **Delete the dispute resolution provisions**. "Section 11969.10 provides for a mandatory dispute resolution procedure that culminates…in either a hearing before the Office of Administrative Hearings (OAH) or arbitration. Limited review of the OAH or arbitrator decision is allowed…

  "There is no indicia that the voters intended to vest SBE with the power to mandate an alternative dispute resolution that so dramatically undermines the right to access the courts…

  "SBE has no authority to develop judicial standards of review or otherwise alter a party's right to full access to the courts for redress of grievances…

  "The alternative dispute resolution procedure which shifts property and program determinations from the elected school board to a hearing officer or arbitrator is an improper delegation…"

  "The regulations as drafted do not provide for an absolute right to trial de novo, but instead, limit access to judicial review only if it is "conclusively established" that any decision rendered under these regulations do (sic) not comply with *Education Code* section 47614 or the proposed regulations…

  "Because Proposition 39 does not require or even suggest alternative dispute resolution or otherwise require school districts or charter schools to take disputes through administrative hearing or arbitration, the proposed regulations create a State mandated activity…"

Response. Upon further consideration, the SBE concurs with the argument that the dispute resolution provisions should be considered in a separate regulatory package, except for the provisions relating to mediation with the agreement of both parties.

- **Delete the requirement that school districts give charter school's in-district students the same consideration as students in the district-run schools, subject to the requirement that the facilities provided to the charter school must be contiguous**. "The proposed language [in Section 11969.2(d)] that charter school in-district students 'be give the same consideration as students in the district-run schools' is not a measurable standards and fails as vague…

  "…[T]he current language is sufficient to afford charter school students their fair share of school district facilities… Absent a clear and measurable standard, school districts are unduly burdened in the attempt to meet the requirements of law."

Response. The language in question comes from the *Ridgecrest* decision. It provides a clear and reasonable standard without dictating a specific outcome. It is not overly burdensome to implement.

- **Delete the proposed regulations relating to lack of comparable schools [Section 11969.3(a)(1)] and to a charter school that has a different grade level configuration from the district [Section 11969.3(a)(4)]**. "This provision [relating to lack of comparable schools], in effect, requires districts to reconfigure school sites to be reasonably equivalent to all grade levels offered by the charter school. If the charter school is K-8, in order to meet the "shall be contiguous" language…, the district would be required to reconfigure a site to be 'reasonably equivalent' for all grade levels……

  "This provision unduly burdens school districts and unfairly advantages charter school students over district students…

  "The proposed regulation [relating to a charter school that has a different grade level configuration for the district] also contains conflicting language as to whether modification of the district facility is required…

  "Reconfiguring district facilities to house a charter school program does not serve the statutory end of providing 'reasonably equivalent' facilities to both district and charter school students…"

Response. In response to this comment, the proposed amendments make clear that when no school of the district serves grade levels similar to the charter school's, a contiguous facility is an existing facility that is most consistent with the charter school's grade levels. Moreover, the proposed amendments make clear that a school district is

not obligated to pay for modification of any school site to accommodate a charter school's grade level configuration.

- **Reconsider the proposed regulation related to Web posting of per-square-foot charges [Section 11969.7(e)]**. "The purpose of posting [per-square-foot charges] is unclear and would seem to encourage charter schools to 'shop' for districts with a lower fee…

  "…[B]ecause charter schools report the information to CDE, school districts have no opportunity to correct errors or otherwise explain the pro-rata calculation except by offer such explanation through CDE. Districts have no choice but to defend themselves or otherwise correct errors in reporting by responding with an explanation. As such, the reporting requirements create mandated costs both for charter schools and school districts."

Response. The Initial Statement of Reasons explains the proposed Web posting of per-square-foot charges as follows: "The workgroup process revealed considerable variation in per-square-foot charges. This proposed change allows for public scrutiny of the variations at virtually no cost." The speculation that charter schools would use the information to "shop" among districts is without foundation. In almost all cases, a charter school is bound by statute to remain located in a single school district for the life of the school. The per-square-foot charge is an easily discernable figure easily reported by charter schools when reporting other information by statute. School districts are offered the opportunity to provide explanatory information if necessary. The cost to districts for preparation and submission of voluntary information would be minor and likely of a one-time nature, as the reasons for a school district having a disproportionately high or low per-square-foot charge would probably remain relatively stable from year to year. Regulations adopted to implement *EC* Section 47614 do not create reimbursable mandates, because the statute was enacted by initiative. Costs associated with implementation of initiatives are not reimbursable under the state Constitution.

- **Increase the time districts have to review charter schools' ADA projections [Section 11969.9(a), (b), and (d)]**. "The proposed regulations do not provide school districts with sufficient time to review and evaluate a charter school's projections,…unduly burdening school districts...[T]he due date for charter application [should] be pushed back to October 1 (current deadline) and the response date for districts [should] be extended to January 1 to allow sufficient opportunity to review and analyze the applications."

Response. The proposed regulations spread out the workload associated with reviewing charter school facility requests. It is not unreasonable for a school district to review only a charter school's ADA projections in one month. Moving the submission deadline for charter school facilities requests to October 1 would likely result in less accurate projections, and moving the initial response deadline for districts from

December 1 to January 1 would further disrupt the regulatory plan to spread out the workload.

- **Reconsider the proposed regulations that create mandated costs**. "The proposed regulations create significant reimbursable state mandated costs…furniture and equipment under the expanded definition proposed at 11969.2(e)…lost reimbursement for over-allocation of space under 11969.3(c)(2) and 11969.8(c)…lost oversight fees under 11969.7(f)…indemnification of charter schools for charter school sue of site under 11969.9(k)(3)…reconfiguration of district schools (sic) sites under 11969.9(k)(4) and 11969.3(a)(1), (4)…[p]ublic reporting as required by 11969.7(e)…unreasonably short period to respond to charter school projections under 11969.9(a), (b), (d)…dispute resolution and any subsequent litigation…[T]he costs associated with compliance will be recoverable by districts across the State."

Response. Regulations adopted to implement *EC* Section 47614 do not create reimbursable mandates, because the statute was enacted by initiative. Costs associated with implementation of initiatives are not reimbursable under the state Constitution. It should also be noted that, upon further consideration, the SBE concurs with the argument that the dispute resolution provisions should be considered in a separate regulatory package, except for the provisions relating to mediation with the agreement of both parties.

M. Magdalena Carrillo Mejia	Superintendent, Sacramento City Unified School District

- **Eliminate the requirement to give the charter school's in-district students the same consideration as students in the district-run schools, subject to the requirement that the facilities provided to the charter must be contiguous [Section 11969.2(d)]**. "By imposing a requirement that charter school facilities must <u>in all cases</u> be contiguous, the proposed regulations would 'oversimplify and (sic) difficult and complex process'. They could also force a school district to place its own schools in non-contiguous facilities even where to do so would not be a fair sharing of school district facilities…"

Response. *EC* Section 47614 states that facilities charter schools are allowed to use "shall be contiguous." The regulations cannot be contrary to the statute.

- **Eliminate the additional provisions related to charter schools established by conversion [Section 11969.3(d)]**. "The provisions…impermissibly exceed the scope of Proposition 39.

  "…[Permitting] a conversion charter school – but not the school district in which the charter school is located – to change the charter school's location….[violates] traditional property rights, the plain language of Proposition 39…, and plain good sense…"

Response. The proposed regulations relating to charter schools created by conversion harmonize *EC* Section 47614 with other provisions of statute. The statutory scheme for such schools clearly binds them a particular location. The proposed regulations allow the relocation of the schools provided other statutory requirements are addressed or waived.

- **Provide more time for school districts to review charter schools' ADA projections [Section 11969.9(d)]**. "…For a large school district…, this requirement would be a daunting one, particularly as few charter schools in our experience to date understand what information is required…"

Response. The proposed regulations provide one month for school districts to review charter schools' ADA projections. For operating charter schools, this task is relatively simple given the actual enrollment and ADA history. For start-up schools (which will not be operative for many months), additional time will not be likely to increase the accuracy of the information submitted.

- **Clarify what happens if there is no agreement on ADA projections [Section 11969.9(e)**. "The regulations fail to state…which party's enrollment projections may be relied on in the event of a dispute at this point."

Response. The proposed regulations separate and focus attention on ADA projections early in the process of considering charter school facilities requests. However, the parties are not necessarily required to reach agreement. In its preliminary proposal, the school district indicates the ADA projection on which the proposal is based.

- **Extend the timeline for development of preliminary proposals [Section 11969.9(f)**. "…This change will force school districts to finalize all the information that will be included in their final offers two months earlier than previously required…These regulations will effectively compress the time to complete tasks that previously took six months…into three months…[F]or a district of [Sacramento's] size, these change will be extremely burdensome."

Response. The proposed regulations create a new timeline for consideration of charter school facilities requests that spreads out the workload and focuses attention early on ADA projections, which is often a major issue. The requirement that preliminary proposals include all conditions applicable to school sites being offered for use by charter schools is essential to enable the schools to evaluate the proposals.

- **Do not require submission of preliminary proposals to charter schools that have yet to be approved [Section 11969.9(f)]**. "…[A] charter school would be eligible for facilities even if its charter is granted as late as March 15. Therefore, the proposed February 1 date [for presentation of preliminary proposals] may require a school district to make a preliminary facilities offer to a charter school

whose petition has not yet been granted… It is not stated clearly in the proposed regulations that a district can make a preliminary facilities offer that is conditional upon the granting of the petition…"

Response. At the point where preliminary proposals are required, a school district may have a small number of charter petitions (typically no more than one) still undecided. For the district to proceed under the assumption that the petition will be approved does not appear overly burdensome. The school would be entitled to the use of facilities if it is approved. It appears evident on its face that a "preliminary" proposal can be presented to the petitioners for a still pending charter school. A specific provision to that effect is not necessary.

- **Revise the specification of elements in the final notification [Section 11969.9(h)(5)]**. "…[Requiring] the school district to specify 'all conditions pertaining to the space' in their final offers…could be interpreted to mean that facilities use agreements must be implemented at the time of the final offer, which would create undue administrative burdens for school districts."

Response. The proposed regulations require that a school district's final notification "specifically identify…all conditions pertaining to the space." This requirement is distinct from the actual "agreement regarding use of and payment for the space," which is covered in Section 11969.9(k). The facility use agreement is negotiated and is necessarily, therefore, executed after the charter school's notification that it intends to occupy the offered space, pursuant to Section 11969.9(i).

- **Eliminate the dispute resolution provisions [Section 11969.10]**. "The dispute resolution procedures…constitute unwarranted interference with the relationships between charter schools and school districts.

  "…[T]hese changes accomplish, in one fell swoop, an astonishing deprivation of a local school board's rights to allocate use of its own facilities…[Charter schools] may force school districts into binding arbitration resulting, perhaps time and time again, in facilities being allocated as arbitrators, not local school boards, see fit…

  "…[T]he dispute resolution procedures are time-consuming and unnecessary. The vast majority of school districts and charter schools have amicably resolved facilities allocations issues in the past five years…without such dispute resolution mechanisms, and will continue to do so in the future…"

Response. Upon further consideration, the SBE concurs with the argument that the dispute resolution provisions should be considered in a separate regulatory package, except for the provisions relating to mediation with the agreement of both parties.

ALTERNATIVES DETERMINATION

The SBE has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective as and less burdensome to affected private persons than the proposed regulations.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose a reimbursable mandate on local agencies or school districts.

3-21-07 [California Department of Education]

ITEM # 4

CALIFORNIA STATE BOARD OF EDUCATION

APRIL 2007 AGENDA

SUBJECT	☒ Action
Standardized Testing and Reporting Program: California Modified Assessment Blueprints	☒ Information
	☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve California Modified Assessment (CMA) blueprints for grades two through five.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

May 2005 SBE Item #7 (May 11-12), Item #1 (May 31)

In May 2005, CDE presented items on the No Child Left Behind (NCLB) Act of 2001 regarding additional flexibility for the NCLB accountability plan regarding students with disabilities both at the regular SBE May 11-12 meeting and at a special SBE meeting held on May 31.

The SBE Item #7 referenced an April 7, 2005, press release from United States Secretary of Education Margaret Spellings regarding a "more workable common sense approach to implement NCLB." The press release noted that states will have additional alternatives and flexibility if they can show they are raising student achievement and closing the achievement gap. Secretary Spellings announced in the press release that this new approach allows states to use modified assessments for their students with persistent academic disabilities who need more time and instruction to make substantial progress toward grade-level achievement. These scores will be limited to two percent of all students for accountability purposes which is in addition to the one percent allowed for students taking the California Alternate Performance Assessment (CAPA). Secretary Spellings is quoted as saying

> "This new approach recognizes that these children should not all be treated alike. By relying on the most current and accurate information on how children learn and how to best serve their academic needs, this new policy focuses

SUMMARY OF PREVIOUS…(Cont.)

> on children. They continue to be included in the accountability system because we know that otherwise, they risk being ignored, as was often the case before *No Child Left Behind*."

The SBE Item #1 for May 31 noted that on May 10, 2005, Secretary Spellings issued a press release and flexibility guidelines for accountability under NCLB and the assessment of students with disabilities. It was noted in the press release that

> "The new guidelines reflect the latest scientific research that shows students with disabilities—approximately 2 percent of all students—can make progress toward grade-level standards when they receive high-quality instruction and are assessed with alternate assessments based on modified achievement standards."

Additional information released on May 10 from the United States Department of Education (ED) added that,

> "In addition to students with the most significant cognitive disabilities (the 1% already covered under Title I), research indicates that there is another group of students with disabilities, approximately 2 percent of the school-aged population, in need of modified standards and assessments who can make progress toward, but also may not reach, grade-level achievement standards in the same time frame as other students."

In SBE Item #1, CDE provided the SBE with the proposed contents of a June 15, 2005, letter of intent to Raymond Simon, United States Acting Deputy Secretary of Education, along with a set of enclosures that provide the required information regarding California's assessment system and student data. Also attached to the May 31, 2005, SBE item is information regarding the content that was to be included in the June 15 letter. The SBE item is at the CDE Web site at http://www.cde.ca.gov/be/ag/ag/agenda0505special.asp.

CDE was required to provide information about, and a time line for, activities to improve our assessments for the full range of students with disabilities, in particular, alternate assessments based on modified achievement standards and based on alternate achievement standards. Specifically, CDE was required to document what California is currently doing in regards to an alternate assessment for students with disabilities (CAPA) including the following:

- Technical quality of the CAPA
- Development of criteria and guidance for Individualized Education Programs (IEP) teams regarding identification of students with the most significant cognitive disabilities and for setting appropriate proficiency expectations for those students

SUMMARY OF PREVIOUS…(Cont.)

- Policies to ensure inclusion of all students in the assessment system as required by IDEA and NCLB
- Training provided to IEP teams on state assessment guidelines and policies
- Training provided to teachers on instructional interventions, including special education teachers and general education teachers with subject matter expertise, on how to work together, provide access to the general curriculum, and use data to improve student achievement
- Outreach to parents of students with disabilities to explain state testing policies
- Reporting the scores of students with the most significant cognitive disabilities into the state reporting and accountability system

California was also required to provide an assurance that the following steps will be completed:

- Develop and formally approve or adopt modified academic achievement descriptors
- Build a framework, including purpose and scope of alternate assessments based on modified achievement standards, that addresses key questions and issues (e.g., portfolio or multiple choice) and is informed by stakeholder and technical advisory committee input
- Contract for the development of valid alternate assessments based on modified achievement standards for students with disabilities who need to take a modified assessment (as well as students with the most significant cognitive disabilities, if applicable)
- Establish (with diverse stakeholder involvement) and formally approve or adopt modified achievement standards with "cut scores" that differentiate among achievement levels and are aligned with State content standards
- Document the technical quality of the alternate assessments based on modified achievement standards
- Demonstrate that policies are in place to ensure inclusion of all students in the assessment system, as required by Individuals with Disabilities Education Act (IDEA) and NCLB

The SBE item indicated that CDE had asked Educational Testing Service (ETS), the current contractor for the state's STAR Program, to assist in preparing a plan for developing a new alternate assessment for students with moderate cognitive disabilities

SUMMARY OF PREVIOUS…(Cont.)

who have been assessed with the California Standards Tests (CSTs) using modifications. Since these modifications change the constructs being assessed, results for these students have been included in AYP calculations as **not proficient**. An assessment developed for these students would provide information that schools can use in better identifying the students' academic strengths and needs and modifying instructional programs to meet those needs. A timeline was presented in this item for the development of the CMA (see Attachment 1). The timeline was changed in September 2006 by the SBE when a contract amendment was approved for a pilot test.

June 2005

At the large-scale assessment conference in June 2005, the ED held a session for state test directors on the proposed modified assessment. The direction at that time was that this test was for two percent of students just above CAPA. Test directors were told that the modified assessment could differ from the state assessment in depth, breadth, and complexity.

July 2005 SBE Item #35

The SBE approved a contract amendment to develop the CMA. The scope of the amendment included forming an assessment review panel for the CMA, developing modified achievement standards linked to grade-level standards, holding focus groups, and developing items for the CMA.

November 2005 SBE Item #2

CDE reported on the first meeting of the CMA Assessment Review Panel held in October 2005. The panel consisted of both general education and special education teachers and administrators. The panels began work on blueprints for mathematics, English-language arts and science.

December 2005 Proposed Federal Regulations

ED released proposed federal regulations for assessments based on modified achievement standards. Proposed regulations permit a state to develop modified achievement standards and assessments that measure achievement based on those standards, that are aligned with grade-level content standards but are modified in such a manner that they reflect reduced breadth or depth of grade-level content. The proposed regulations included the following information:

<u>Modified achievement standards</u>

Modified achievement standards must:

- Provide access to grade-level curriculum

SUMMARY OF PREVIOUS…(Cont.)

- Be aligned with the state's academic content standards for the grade in which the student is enrolled, but adjusted to reflect reduced breadth or depth of grade-level content so that students with disabilities participating in an assessment based on modified achievement standards would be better able to demonstrate what they know and can do

- Reflect professional judgment of the highest achievement standards possible for those students

- Be documented and validated through a standards-setting process
- May reflect reduced breadth or depth of grade-level content
- Not preclude a student from earning a regular high-school diploma

ED anticipates that there will be significant overlap between the regular and modified achievement standards.

Student Eligibility

States must adopt specific criteria for IEP teams to use in determining whether a student is eligible to be assessed based on modified achievement standards. In order for an IEP team to determine that a student is eligible to be assessed based on modified achievement standards, the IEP team must conclude:

- Student's disability has precluded the student from achieving grade-level proficiency as demonstrated by objective evidence

- Student's progress in response to high-quality instruction, including special education and related services designed to address the student's individual needs, is such that the student is not likely to achieve grade-level proficiency within the school year covered by the IEP

- Student is receiving instruction in the grade-level curriculum for the subjects in which the student is being assessed

- Student may be in any of the 13 disability categories listed in the IDEA
- Student may be held to modified academic achievement standards in one or more subjects for which the State administers assessments

Students assessed based on modified achievement standards would not simply be:

- Having difficulty with grade-level content
- Receiving instruction below grade level

SUMMARY OF PREVIOUS…(Cont.)

- The lowest-achieving two percent of students
- Students with the most significant cognitive disabilities

Students for whom modified achievement standards would be appropriate may require assessments that are different both in format or design due to the nature of their disability.

The proposed regulations would require that IEP teams review on an annual basis their decision to assess a student to ensure that modified achievement standards remain appropriate. The proposed regulations also require:

- States to implement clear and appropriate guidelines for IEP teams to use in determining students with disabilities

- Student's parent to be informed about the decision to assess their child's achievement based on modified achievement standards

Modified Assessments

States may modify existing grade-level assessments or develop a new assessment. Modifications may include:

- Changes to content, such as coverage of a reduced number of grade-level content standards that have been identified by the state as essential for progress to the next grade

- Changes to test format or administration, such as modified item format or response options, or use of only selected portions of the assessment

January 2006 SBE Item #32

CDE reported on the CMA Assessment Review Panel (ARP) meeting held in November. At that time, CDE expected to present blueprints to the SBE in March 2006. However, after the proposed regulations came out in December and CDE reviewed them with the ARP Panel, CDE determined that the blueprints needed to be revised to reflect more closely the proposed regulations.

January through March 2006 CMA ARP Meetings

The CMA ARP Panel had the challenging task of trying to determine which standards were appropriate for this new assessment. In order to do this, they looked at the standard and determined how it could be assessed to reflect reduced breadth or depth of grade-level content so that students with disabilities participating in an assessment based on modified achievement standards would be better able to demonstrate what

SUMMARY OF PREVIOUS…(Cont.)

they know and can do. The panel decided to focus on only grades 2 through 5 for the first part of the development process.

March and May 2006 SBE

CDE provided SBE an update on the status of the CMA. The ARP panels met in March and May to continue to work on the blueprints for English-language arts and mathematics for grades two through seven and science blueprints for grades five and eight. At this time, CDE was planning to bring the blueprints to the SBE in July 2006. However, the CMA ARP Panel was not able to complete the process and ETS suggested developing a pilot test for the CMA to provide more information about the population of students to be tested and to examine how various test formats and delivery modes impact the performance of students with disabilities. There was significant interest in the ability of students to read.

July 2006 SBE Meeting

CDE provided SBE with information about the pilot test for the CMA. The development process for the CMA was at the point where data are required about the students who will be taking the assessment. The current target population includes students who are expected to exhibit many different characteristics and may perform in different ways. To inform the next steps in the process, that is developing a preliminary blueprint, developing items, etc., ETS proposed to develop, conduct, and score a pilot test of the CMA, and then share those results with the CDE, SBE staff and the ARPs. It was proposed that the CMA pilot test consist of several versions of test forms in all content areas that will differ in modes of delivery, item characteristics, and other variables. The SBE approved the contract amendment and revised the timeline to reflect that the blueprints were to be approved prior to the focus group meetings held with stakeholders.

Also attached to this SBE item was a summary of federal guidance received both in spring 2005 and December 2005 on the modified assessment.

September 2006 SBE Meeting

CDE provided SBE with information from a meeting held with California district testing and special education directors. The purpose of the meeting was to seek input and suggestions related to the identification of the population that might be included in the CMA pilot test. A second purpose was regarding logistical issues for collecting data, locating pilot schools, and determining ways to recruit districts.

In September, the CMA ARP reviewed the pilot test forms.

SUMMARY OF PREVIOUS…(Cont.)

November 2006 SBE

CDE reported to the SBE on the purpose of the pilot and the eligibility to participate. Students must have an IEP and scored below proficient on the CSTs.

February 2007 SBE

CDE provided the SBE an information memo on the results of the CMA pilot test. The purpose of the pilot was to examine how various test formats and delivery modes impact the performance of students with disabilities. The intent was to provide guidelines for development of a fair and reasonable assessment for students with disabilities. The pilot assessed students who had scored below proficient on the California Standards Tests (CSTs) and had an IEP plan. ETS developed pilot test items that assessed a variety of different dimensions in an effort to better understand the needs and abilities of potential CMA students. Some of these dimensions were:

1. Mode of delivery (ELA: reading vs. listening, math/science: calculator vs. no calculator)

2. Cognitive load (three options vs. four options)

3. Concrete vs. abstract (math/science: graphics vs. no graphics)

The pilot test was conducted November 6-16, 2006. The executive summary for the CMA pilot test is provided in Attachment 4. Approximately 16,000 administrations occurred. The information gained from the pilot strongly indicates that some of the dimensions increased accessibility for the population studied. These dimensions included: listening to the passage and stem of a question; reducing the number of answer choice options in the question; and using graphics in the stem.

There were several other dimensions that seemed to have little influence on accessibility including: length of the passage in English-language arts; length of the stem in math and science; and use of a calculator in math.

The information from the pilot provided the development of test specifications (see Attachment 5). The test specifications recommendations include:

- Reading item stems aloud to student's in grade two through five
- Student's reading independently all passages and answer options
- Use of a calculator available for any portion of the math test in grade 5
- 48 operational items for each test
- 9 field test items for each test
- Three answer choices for each item

SUMMARY OF PREVIOUS…(Cont.)

- One column for most items
- Four sessions for grades two and three and three sessions for grades four an five
- A different font (Helvetica – a sans serif font) and larger font sizes
- Additional white space
- At least five items for each reporting cluster

It is important to note that these findings from the pilot may not generalize to higher grades as reading loads increase and more problem-solving types of questions are used. As development of the CMA continues, additional information will be gathered on the population to be tested.

March 2007

CDE provided the SBE with proposed CMA blueprints for grades 2-5 for approval. SBE voted to hold a special meeting in April and to review the blueprints at that time.

April 2007

The ED released the final regulations for the alternate assessment based on modified academic achievement standards. They also released a fact sheet on "Measuring the Achievement of Students with Disabilities (Attachment 6) and non-regulatory guidance. A preliminary summary of the guidance is attached (Attachment 7).

SUMMARY OF KEY ISSUES

The purpose of the CMA is to provide students with disabilities additional and appropriate access to an assessment of the California content standards that allows them to demonstrate what they know and can do.

Proposed Blueprints

The proposed blueprints list the California content standards assessed on the California Modified Assessment and the number of items per standard (see Attachment 3). The blueprints were developed by ETS, CDE, and the CMA ARP. The CMA ARP is composed of both special education and general education teachers and administrators. The CMA ARP recommended a shorter test covering most of the standards assessed on the CSTs. The proposed CMA blueprints consist of 48 items and contain similar percentages of items per strand as found on the CSTs. This will provide ample coverage of the standards within the strand ensuring reliability. For example, Grade 3 English-Language Arts, Strand 2.0 Reading Comprehension makes up 23 percent of the CST and 21 percent of the CMA. The percentages of items per

SUMMARY OF KEY ISSUES (Cont.)

strand on the CSTs in English-language arts, mathematics, and science are provided in Attachment 2. The proposed blueprints for each subject area are provided in Attachment 3.

FISCAL ANALYSIS (AS APPROPRIATE)

All costs associated with the activities in this update are included in the current contracts with ETS for the CSTs, Standards-based Tests in Spanish (STSs), CAPA, and CMA.

ATTACHMENT(S)

Attachment 1: CMA Timelines (3 Pages)

Attachment 2: Percentages of Items Per Strand on the CSTs and Explanation of Standards Not Assessed (4 Pages)

Attachment 3: CMA Blueprints (28 Pages)

Attachment 4: Development of Performance Level Descriptors for the California Standards Tests (CSTs) and the High School Exit Exam (CAHSEE), Executive Summary (18 Pages) (This attachment is not available for Web viewing. A printed copy is available for viewing in the State Board of Education office.)

Attachment 5: CMA Test Specifications Grades 2 Through 5 (3 Pages)

Attachment 6: Measuring the Achievement of Students with Disabilities (2 Pages)

Attachment 7: Preliminary Summary of the Non-Regulatory Guidance for the Modified Academic Achievement Standards (2 Pages)

California Modified Assessment Timelines

Original Last Minute Memorandum
July 6, 2005 SBE Meeting
Item Number 14

Overview Timeline

Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Jun	Jul	Aug	Sep	Oct
CDE review SOW	SBE approve SOW														
	Work Group selection, invitation														
	Development of blueprints, maps														
		Work Group meet to review blue-prints, specs	CDE ap-prove test specs	Work Group meet to review blue-prints, specs	Conduct focus groups	Revise blue-prints, specs	Work Group meet to review blueprints, specs	Revise blue-prints	SBE ap-prove blue-prints						
										Item writer work-shop					
												ARP item review		SPAR item review	Place items in bank

Revised Last Minute Memorandum
July 7, 2005 SBE Meeting
Item Number 14

Overview Timeline

Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Jun	Jul	Aug	Sep	Oct
CDE review SOW	SBE approve SOW														
	Work Group selection, invitation														
	Development of blueprints, maps														
		Work Group meets to discuss standards and develop blueprints		CDE approves test specs	Work Group meets to review blueprints, specs		SBE approves blueprints	Conduct focus groups							
										Item writer work-shop					
												ARP item review		SPAR item review	Place items in bank

February 20, 2006
ETS Contract #2151, Amendment #8
Final Scope of Work Timeline

Overview Timeline

Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Jun	Jul	Aug	Sep	Oct
CDE review SOW	SBE approve SOW														
	Work Group selection, invitation														
	Development of blueprints, maps														
					Work Group meets to review blueprints, specs		Work Group/ARP meets to review blueprints, specs		SBE approves blueprints	CDE approves test specs Conduct focus groups					
										Item writer work-shop					
												ARP item review		SPAR item review	Place items in bank

Percentages of Items Per Strand on the California Standards Tests (CSTs) and Explanation of CST Standards Not Assessed on the CMA Blueprint

Percentages of Items Per Strand on the California Standards Tests (CSTs)

English-Language Arts

Strands		Percentage of Items Per Strand			
		Grades			
		2	3	4	5
1.0	Word Analysis, Fluency, and Vocabulary Development	34	31	24	19
2.0	Reading Comprehension	23	23	20	21
3.0	Literary Response and Analysis	9	12	12	16
1.0	Written and Oral English Language Conventions	22	20	24	23
1.0	Writing Strategies	12	14	20	21
	Total	100	100	100	100

Mathematics

Strands		Percentages of Items Per Strand			
		Grades			
		2	3	4	5
1.0-6.0	Number Sense	58	49	48	45
1.0	Algebra and Functions	9	18	28	26
1.0-2.0	Measurement and Geometry	22	25	18	23
1.0-2.0	Statistics, Data Analysis, and Probability	11	8	6	6
1.0-3.0	Mathematical Reasoning	Embedded	Embedded	Embedded	Embedded
	Total	100	100	100	100

Science

Strands		Percentages of Items Per Strand
		Grade 5
1.	Physical Science	30
2.	Life Science	30
3.	Earth Science	30
6.	Investigation & Experimentation	10
	Total	100

Explanation of CST Standards Not Assessed on the CMA Blueprints

The CMA Assessment Review Panel (ARP) have recommended assessing most of the same standards that are assessed on the CST. The CST has 65 test questions for mathematics, 65 test questions for English-language arts at grades 2 and 3 and 75 for grades 4-11, and 60 test questions for science. Because it is proposed that the CMA have 48 test questions for each content area in grades 2-5, some of the standards included on the CST were not assessed on the CMA. The standards listed below by subject area were not recommended for assessing on the CMA. Explanations are stated below.

<u>English-Language Arts Grade 4</u>

All standards on the CST for grades 2, 3, and 5 are recommended for the CMA. Two standards for grade 4 English-language arts are not recommended for assessment in order to minimize the level of difficulty of the test by not assessing standards that tend to yield low p-values.
Writing Strategies 1.3: Organization and Focus**:** use traditional structures for conveying information (e.g., chronological order, cause and effect, similarity and difference, and posing and answering a question).
Writing Strategies and Focus 1.5: Research and Technology: quote or paraphrase information sources, citing them appropriately.

<u>Mathematics Grade 2-5</u>

The standards assessed on the CST not recommended for the CMA include one standard in grade 2, three standards in grade 3, 2 standards in grade 4, and 3 standards in grade 5. The general reasons for not testing these standards are:

- Some standards in CST are tested once every three years (as listed 1/3 in the number of items column) or every two years (1/2). The CMA ARP did not recommend rotating standards in this manner for the CMA. There are a sufficient number of standards in each strand to ensure an appropriate assessment of the strand.

- Some of the mathematical skills in one standard are repeated in another standard.

- On order to minimize the level of difficulty of the test, some standards were not assessed that tend to yield low p-values, such as visualization in 3-dimensions.

Grade 2

1. Number Sense (NS) 6.1 is not tested because this standard is similar to the one assessed in Grade 2 Measurement and Geometry (MG) standards 1.2 & 1.3.

Grade 3

1. NS 2.7 is not tested because this standard is similar to the one tested in NS 2.8.
2. Algebra and Functions (AF) 1.3 is not tested because this standard is similar to the one tested in NS2.3.
3. MG 2.6 is not tested in order to minimize the level of difficulty of the test by not assessing standards that tend to yield low p-values, such as visualization in 3-dimensions.

Grade 4

1. MG 1.2 & 1.3 are not tested in order to minimize the level of difficulty of the test by not assessing standards that tend to yield low p-values.
2. MG 3.4, 3.7, & 3.8 are not tested because CST rotates testing each of these 6 standards once every three years. The ARP recommended eliminating these three standards in order to test the other three each year.

Grade 5

1. NS2.4 is not tested because it is similar to the one tested in NS2.5.
2. MG2.3 is not tested in order to minimize the level of difficulty of the test by not assessing standards that tend to yield low p-values.
3. Statistics, Data Analysis, and Probability (SP) 1.3 is not tested because CST rotates this standard to be tested once every three years. The ARP recommended eliminating this standard in order to test other standards once every year and still maintain the balance within the reporting cluster.

<u>Science Grade 5</u>

The following notes explain why some of the standards are tested on the CST, but not on the CMA. In the grade 5 science test, standards from both grades 4 and grade 5 are assessed. The standards assessed on the CST not recommended for the CMA include five in grade 4 and 12 in grade 5. The reasons for the elimination of the standards on the CMA blueprints are:

- The Grade 5 Science CMA proposes 48 test questions. The Grade 5 Science CST has 60 test questions covering 62 science standards therefore the number of test questions had to be reduced.

- Some standards on the CST are tested on a rotational basis. CMA does not assess standards on a rotational basis. There is a reasonable distribution of items across strands (reporting clusters).

- In order to minimize the level of difficulty of the test by not assessing standards that tend to yield low p-values, some standards are not assessed, i.e. Grade 5, Earth Science, 4.e. *Students know that the Earth's atmosphere exerts a pressure that decreases with distance above Earth's surface and that at any point it exerts this pressure equally in all directions.*

- Some science standards are covered by other grade-level standards. i.e., Investigation and Experimentation Strands: Grade 5, 1. g. Record data by using appropriate graphic representations (including charts, graphs, and labeled diagrams) and make inferences based on those data. Grade 4, 6. e. Construct and interpret graphs from measurements.

The standards that are not assessed on the CMA but are assessed on the CST are:

Physical Science-Grade 5: 1. e, h, i

Physical Science-Grade 4: 1.d, e

Life Science-Grade 5: 2.a

Earth Science-Grade 5: 4.a,b,c,e

Investigation and Experimentation-Grade 5: 6. b, c, e, i

Investigation and Experimentation Grade 4:

- 6.d. The preliminary concepts of this standard are assessed in Grade 4, 6.c., and Grade 5, 6.i.

- 6.e. The concepts of this standard are assessed in I & E G5, 6.g.

- 6.f is not assessed.

CALIFORNIA MODIFIED ASSESSMENT
GRADE 2 ENGLISH-LANGUAGE ARTS

CALIFORNIA CONTENT STANDARDS: READING		Recommended # of Items on CMA	%
1.0	**WORD ANALYSIS, FLUENCY, AND SYSTEMATIC VOCABULARY DEVELOPMENT: Students understand the basic features of reading. They select letter patterns and know how to translate them into spoken language by using phonics, syllabication, and word parts. They apply this knowledge to achieve fluent oral and silent reading.**	**16**	**34%**
1.1	**Decoding and Word Recognition:** recognize and use knowledge of spelling patterns (e.g., diphthongs, special vowel spellings) when reading	**2**	
1.2	**Decoding and Word Recognition:** apply knowledge of basic syllabication rules when reading (e.g., v/cv = su/per, vc/cv = sup/per)	**2**	
1.3	**Decoding and Word Recognition:** decode two-syllable nonsense words and regular multi-syllable words	**2**	
1.4	**Decoding and Word Recognition:** recognize common abbreviations (e.g., Jan., Sun., Mr., St.)	**1**	
1.5	**Decoding and Word Recognition:** identify and correctly use regular plurals (e.g., -s, -es, -ies) and irregular plurals (e.g., fly/flies, wife/wives)	**2**	
1.6	**Decoding and Word Recognition:** read aloud fluently and accurately, and with appropriate intonation and expression	*****	
1.7	**Vocabulary and Concept Development:** understand and explain common antonyms and synonyms	**2**	
1.8	**Vocabulary and Concept Development:** use knowledge of individual words in unknown compound words to predict their meaning	**1**	
1.9	**Vocabulary and Concept Development:** know the meaning of simple prefixes and suffixes (e.g., over-, un-, -ing, -ly)	**2**	
1.10	**Vocabulary and Concept Development:** identify simple multiple-meaning words	**2**	
2.0	**READING COMPREHENSION: Students read and understand grade-level-appropriate material. They draw upon a variety of comprehension strategies as needed (e.g., generating and responding to essential questions, making predictions, comparing information from several sources). The selections in *Recommended Readings in Literature, Kindergarten Through Grade Eight* illustrate the quality and complexity of the materials to be read by students. In addition to their regular school reading, by grade four, students read one-half million words annually, including a good representation of grade-level-appropriate narrative and expository text (e.g., classic and contemporary literature, magazines, newspapers, online information). In grade two, students continue to make progress toward this goal.**	**11**	**23%**
2.1	**Structural Features of Informational Materials:** use titles, tables of contents, and chapter headings to locate information in expository text	**1**	
2.2	**Comprehension and Analysis of Grade-Level-Appropriate Text:** state the purpose in reading (i.e., tell what information is sought)	*****	
2.3	**Comprehension and Analysis of Grade-Level-Appropriate Text:** use knowledge of the author's purpose(s) to comprehend informational text	**1**	
2.4	**Comprehension and Analysis of Grade-Level-Appropriate Text:** ask clarifying questions about essential textual elements of exposition (e.g., why, what-if, how)	**1**	
2.5	**Comprehension and Analysis of Grade-Level-Appropriate Text:** restate facts and details in the text to clarify and organize ideas	**2**	
2.6	**Comprehension and Analysis of Grade-Level-Appropriate Text:** recognize cause-and-effect relationships in a text	**2**	
2.7	**Comprehension and Analysis of Grade-Level-Appropriate Text:** interpret information from diagrams, charts, and graphs	**2**	
2.8	**Comprehension and Analysis of Grade-Level-Appropriate Text:** follow two-step written instructions	**2**	

* Not assessable in a multiple-choice format
† Not tested

CALIFORNIA MODIFIED ASSESSMENT
GRADE 2 ENGLISH-LANGUAGE ARTS

CALIFORNIA CONTENT STANDARDS: READING		Recommended # of Items on CMA	%
3.0	**LITERARY RESPONSE AND ANALYSIS: Students read and respond to a wide variety of significant works of children's literature. They distinguish between the structural features of the text and the literary terms or elements (e.g., theme, plot, setting, characters). The selections in *Recommended Readings in Literature, Kindergarten Through Grade Eight* illustrate the quality and complexity of the materials to be read by students.**	**5**	**10%**
3.1	**Narrative Analysis of Grade-Level-Appropriate Text:** compare and contrast plots, settings, and characters presented by different authors	**2**	
3.2	**Narrative Analysis of Grade-Level-Appropriate Text:** generate alternative endings to plots and identify the reason or reasons for, and the impact of, the alternatives	**1**	
3.3	**Narrative Analysis of Grade-Level-Appropriate Text:** compare and contrast different versions of the same stories that reflect different cultures	**1**	
3.4	**Narrative Analysis of Grade-Level-Appropriate Text:** identify the use of rhythm, rhyme, and alliteration in poetry	**1**	
CALIFORNIA CONTENT STANDARDS: WRITING		**Recommended # of Items on CMA**	**%**
1.0	**WRITTEN AND ORAL ENGLISH LANGUAGE CONVENTIONS: Students write and speak with a command of standard English conventions appropriate to this grade level.**	**11**	**23%**
1.1	**Sentence Structure:** distinguish between complete and incomplete sentences	**2**	
1.2	**Sentence Structure:** recognize and use the correct word order in written sentences	†	
1.3	**Grammar:** identify and correctly use various parts of speech, including nouns and verbs, in writing and speaking	**2**	
1.4	**Punctuation:** use commas in the greeting and closure of a letter and with dates and items in a series	**1**	
1.5	**Punctuation:** use quotation marks correctly	**1**	
1.6	**Capitalization:** capitalize all proper nouns, words at the beginning of sentences and greetings, months and days of the week, and titles and initials of people	**2**	
1.7	**Spelling:** spell frequently used, irregular words correctly (e.g., was, were, says, said, who, what, why)	**1**	
1.8	**Spelling:** spell basic short-vowel, long-vowel, r-controlled, and consonant-blend patterns correctly	**2**	
1.0	**WRITING STRATEGIES: Students write clear and coherent sentences and paragraphs that develop a central idea. Their writing shows they consider the audience and purpose. Students progress through the stages of the writing process (i.e., pre-writing, drafting, revising, editing successive versions).**	**5**	**10%**
1.1	**Organization and Focus:** group related ideas and maintain a consistent focus	**2**	
1.2	**Penmanship:** create readable documents with legible handwriting	*	
1.3	**Research:** understand the purposes of various reference materials (e.g., dictionary, thesaurus, atlas)	**1**	
1.4	**Evaluation and Revision:** revise original drafts to improve sequence and provide more descriptive detail	**2**	
TOTALS		**48**	**100%**

* Not assessable in a multiple-choice format
† Not tested

CALIFORNIA MODIFIED ASSESSMENT
GRADE 3 ENGLISH-LANGUAGE ARTS

CALIFORNIA CONTENT STANDARDS: READING		Recommended # of Items on CMA	%
1.0	**WORD ANALYSIS, FLUENCY, AND SYSTEMATIC VOCABULARY DEVELOPMENT: Students understand the basic features of reading. They select letter patterns and know how to translate them into spoken language by using phonics, syllabication, and word parts. They apply this knowledge to achieve fluent oral and silent reading.**	**14**	**29%**
1.1	**Decoding and Word Recognition:** know and use complex word families when reading (e.g., -ight) to decode unfamiliar words	**2**	
1.2	**Decoding and Word Recognition:** decode regular multisyllabic words	**2**	
1.3	**Decoding and Word Recognition:** read aloud narrative and expository text fluently and accurately and with appropriate pacing, intonation, and expression	*****	
1.4	**Vocabulary and Concept Development:** use knowledge of antonyms, synonyms, homophones, and homographs to determine the meanings of words	**3**	
1.5	**Vocabulary and Concept Development:** demonstrate knowledge of levels of specificity among grade-appropriate words and explain the importance of these relations (e.g., dog/mammal/animal/living things)	**2**	
1.6	**Vocabulary and Concept Development:** use sentence and word context to find the meaning of unknown words	**2**	
1.7	**Vocabulary and Concept Development:** use a dictionary to learn the meaning and other features of unknown words	**1**	
1.8	**Vocabulary and Concept Development:** use knowledge of prefixes (e.g., un-, re-, pre-, bi-, mis-, dis-) and suffixes (e.g., -er, -est, -ful) to determine the meaning of words	**2**	
2.0	**READING COMPREHENSION: Students read and understand grade-level-appropriate material. They draw upon a variety of comprehension strategies as needed (e.g., generating and responding to essential questions, making predictions, comparing information from several sources). The selections in *Recommended Readings in Literature, Kindergarten Through Grade Eight* illustrate the quality and complexity of the materials to be read by students. In addition to their regular school reading, by grade four, students read one-half million words annually, including a good representation of grade-level-appropriate narrative and expository text (e.g., classic and contemporary literature, magazines, newspapers, online information). In grade three, students make substantial progress toward this goal.**	**10**	**21%**
2.1	**Structural Features of Informational Materials:** use titles, tables of contents, chapter headings, glossaries, and indexes to locate information in text	**1**	
2.2	**Comprehension and Analysis of Grade-Level-Appropriate Text:** ask questions and support answers by connecting prior knowledge with literal information found in, and inferred from, the text	**1**	
2.3	**Comprehension and Analysis of Grade-Level-Appropriate Text:** demonstrate comprehension by identifying answers in the text	**2**	
2.4	**Comprehension and Analysis of Grade-Level-Appropriate Text:** recall major points in the text and make and modify predictions about forthcoming information	**1**	
2.5	**Comprehension and Analysis of Grade-Level-Appropriate Text:** distinguish between main idea and supporting details in expository text	**2**	
2.6	**Comprehension and Analysis of Grade-Level-Appropriate Text:** extract appropriate and significant information from the text, including problems and solutions	**2**	
2.7	**Comprehension and Analysis of Grade-Level-Appropriate Text**: follow simple multiple-step written instructions (e.g., how to assemble a product or play a board game)	**1**	

* Not assessable in a multiple-choice format
† Not tested

CALIFORNIA MODIFIED ASSESSMENT
GRADE 3 ENGLISH-LANGUAGE ARTS

CALIFORNIA CONTENT STANDARDS: READING		Recommended # of Items on CMA	%
3.0	**LITERARY RESPONSE AND ANALYSIS: Students read and respond to a wide variety of significant works of children's literature. They distinguish between the structural features of text and the literary terms or elements (i.e., theme, plot, setting, characters). The selections in Recommended Readings in Literature, Kindergarten Through Grade Eight illustrate the quality and complexity of the materials to be read by students.**	**7**	**14%**
3.1	**Structural Features of Literature:** distinguish common forms of literature (e.g., poetry, drama, fiction, non-fiction)	**1**	
3.2	**Narrative Analysis of Grade-Level-Appropriate Text:** comprehend basic plots of classic fairy tales, myths, folktales, legends, and fables from around the world	**1**	
3.3	**Narrative Analysis of Grade-Level-Appropriate Text:** determine what characters are like by what they say or do and by how the author or illustrator portrays them	**2**	
3.4	**Narrative Analysis of Grade-Level-Appropriate Text**: determine the underlying theme or author's message in fictional and non-fiction text	**1**	
3.5	**Narrative Analysis of Grade-Level-Appropriate Text:** recognize the similarities of sounds in words and rhythmical patterns (e.g., alliteration, onomatopoeia) in a selection	**1**	
3.6	**Narrative Analysis of Grade-Level-Appropriate Text:** identify the speaker or narrator in a selection	**1**	
CALIFORNIA CONTENT STANDARDS: WRITING		**Recommended # of Items on CMA**	**%**
1.0	**WRITTEN AND ORAL ENGLISH LANGUAGE CONVENTIONS: Students write and speak with a command of standard English conventions appropriate to this grade level.**	**11**	**23%**
1.1	**Sentence Structure:** understand and be able to use complete and correct declarative, interrogative, imperative, and exclamatory sentences in writing and speaking	**1**	
1.2	**Grammar:** identify subjects and verbs that are in agreement and identify and use pronouns, adjectives, compound words, and articles correctly in writing and speaking	**1**	
1.3	**Grammar:** identify and use past, present, and future verb tenses properly in writing and speaking	**1**	
1.4	**Grammar:** identify and use subjects and verbs correctly in speaking and writing simple sentences	**1**	
1.5	**Punctuation:** punctuate dates, city and state, and titles of books correctly	**1**	
1.6	**Punctuation:** use commas in dates, locations, and addresses and for items in a series	**1**	
1.7	**Capitalization:** capitalize geographical names, holidays, historical periods, and special events correctly	**2**	
1.8	**Spelling:** spell correctly one-syllable words that have blends, contractions, compounds, orthographic patterns (e.g., qu, consonant doubling, changing the ending of a word from y to ies when forming the plural), and common homophones (e.g., hair-hare)	**2**	
1.9	**Spelling:** arrange words in alphabetical order	**1**	

* Not assessable in a multiple-choice format
† Not tested

CALIFORNIA MODIFIED ASSESSMENT
GRADE 3 ENGLISH-LANGUAGE ARTS

CALIFORNIA CONTENT STANDARDS: WRITING		Recommended # of Items on CMA	%
1.0	**WRITING STRATEGIES: Students write clear and coherent sentences and paragraphs that develop a central idea. Their writing shows they consider the audience and purpose. Students progress through the stages of the writing process (e.g., pre-writing, drafting, revising, editing successive versions).**	**6**	**13%**
1.1	**Organization and Focus:** create a single paragraph that		
	1) develops a topic sentence	**1**	
	2) includes simple supporting facts and details	**1**	
1.2	**Penmanship:** write legibly in cursive or joined italic, allowing margins and correct spacing between letters in a word and words in a sentence	*****	
1.3	**Research & Technology:** understand the structure and organization of various reference materials (e.g., dictionary, thesaurus, atlas, encyclopedia)	**2**	
1.4	**Evaluation and Revision:** revise drafts to improve the coherence and logical progression of ideas by using an established rubric	**2**	
TOTALS		**48**	**100%**

* Not assessable in a multiple-choice format
† Not tested

CALIFORNIA MODIFIED ASSESSMENT
GRADE 4 ENGLISH-LANGUAGE ARTS

CALIFORNIA CONTENT STANDARDS: READING		Recommended # of Items on CMA	%
1.0	**WORD ANALYSIS, FLUENCY, AND SYSTEMATIC VOCABULARY DEVELOPMENT: Students understand the basic features of reading. They select letter patterns and know how to translate them into spoken language by using phonics, syllabication, and word parts. They apply this knowledge to achieve fluent oral and silent reading.**	**11**	**23%**
1.1	**Word Recognition:** read narrative and expository text aloud with grade-appropriate fluency and accuracy and with appropriate pacing, intonation, and expression	*	
1.2	**Vocabulary and Concept Development:** apply knowledge of word origins, derivations, synonyms, antonyms, and idioms to determine the meaning of words and phrases	**4**	
1.3	**Vocabulary and Concept Development:** use knowledge of root words to determine the meaning of unknown words within a passage	**2**	
1.4	**Vocabulary and Concept Development:** know common roots and affixes derived from Greek and Latin and use this knowledge to analyze the meaning of complex words (e.g., international)	**1**	
1.5	**Vocabulary and Concept Development:** use a thesaurus to determine related words and concepts	**1**	
1.6	**Vocabulary and Concept Development:** distinguish and interpret multiple meaning words	**3**	
2.0	**READING COMPREHENSION: Students read and understand grade-level-appropriate material. They draw upon a variety of comprehension strategies as needed (e.g., generating and responding to essential questions, making predictions, comparing information from several sources). The selections in *Recommended Readings in Literature, Kindergarten Through Grade Eight* illustrate the quality and complexity of the materials to be read by students. In addition to their regular school reading, students read one-half million words annually, including a good representation of grade-level-appropriate narrative and expository text (e.g., classic and contemporary literature, magazines, newspapers, online information).**	**10**	**21%**
2.1	**Structural Features of Informational Materials:** identify structural patterns found in informational text (e.g., compare and contrast, cause and effect, sequential or chronological order, proposition and support) to strengthen comprehension	**1**	
2.2	**Comprehension and Analysis of Grade-Level-Appropriate Text:** use appropriate strategies when reading for different purposes (e.g., full comprehension, location of information, personal enjoyment)	*	
2.3	**Comprehension and Analysis of Grade-Level-Appropriate Text:** make and confirm predictions about text by using prior knowledge and ideas presented in the text itself, including illustrations, titles, topic sentences, important words, and foreshadowing clues	**2**	
2.4	**Comprehension and Analysis of Grade-Level-Appropriate Text:** evaluate new information and hypotheses by testing them against known information and ideas	**2**	
2.5	**Comprehension and Analysis of Grade-Level-Appropriate Text:** compare and contrast information on the same topic after reading several passages or articles	**2**	
2.6	**Comprehension and Analysis of Grade-Level-Appropriate Text:** distinguish between cause and effect and between fact and opinion in expository text	**1**	
2.7	**Comprehension and Analysis of Grade-Level-Appropriate Text:** follow multiple-step instructions in a basic technical manual (e.g., how to use computer commands or video games)	**2**	

* Not assessable in a multiple-choice format
† Not tested

CALIFORNIA MODIFIED ASSESSMENT
GRADE 4 ENGLISH-LANGUAGE ARTS

CALIFORNIA CONTENT STANDARDS: READING		Recommended # of Items on CMA	%
3.0	**LITERARY RESPONSE AND ANALYSIS: Students read and respond to a wide variety of significant works of children's literature. They distinguish between the structural features of the text and the literary terms or elements (e.g., theme, plot, setting, characters). The selections in *Recommended Readings in Literature, Kindergarten Through Grade Eight* illustrate the quality and complexity of the materials to be read by students.**	**6**	**12%**
3.1	**Structural Features of Literature:** describe the structural differences of various imaginative forms of literature, including fantasies, fables, myths, legends, and fairy tales	**1**	
3.2	**Narrative Analysis of Grade-Level-Appropriate Text:** identify the main events of the plot, their causes, and the influence of each event on future actions	**2**	
3.3	**Narrative Analysis of Grade-Level-Appropriate Text:** use knowledge of the situation and setting and of a character's traits and motivations to determine the causes for that character's actions	**1**	
3.4	**Narrative Analysis of Grade-Level-Appropriate Text:** compare and contrast tales from different cultures by tracing the exploits of one character type and develop theories to account for similar tales in diverse cultures (e.g., trickster tales)	**1**	
3.5	**Narrative Analysis of Grade-Level-Appropriate Text:** define figurative language (e.g., simile, metaphor, hyperbole, personification) and identify its use in literary works	**1**	
CALIFORNIA CONTENT STANDARDS: WRITING		**Recommended # of Items on CMA**	**%**
1.0	**WRITTEN AND ORAL ENGLISH LANGUAGE CONVENTIONS: Students write and speak with a command of standard English conventions appropriate to this grade level.**	**11**	**23%**
1.1	**Sentence Structure:** use simple and compound sentences in writing and speaking	**2**	
1.2	**Sentence Structure:** combine short, related sentences with appositives, participial phrases, adjectives, adverbs, and prepositional phrases	**1**	
1.3	**Grammar:** identify and use regular and irregular verbs, adverbs, prepositions, and coordinating conjunctions in writing and speaking	**3**	
1.4	**Punctuation:** use parentheses, commas in direct quotations, apostrophes in the possessive case of nouns and in contractions	**1**	
1.5	**Punctuation:** use underlining, quotations marks, or italics to identify titles of documents	**1**	
1.6	**Capitalization:** capitalize names of magazines, newspapers, works of art, musical compositions, organizations, and the first word in quotations when appropriate	**1**	
1.7	**Spelling:** spell correctly roots, inflections, suffixes and prefixes, and syllable constructions	**2**	
1.0	**WRITING STRATEGIES: Students write clear, coherent sentences and paragraphs that develop a central idea. Their writing shows they consider the audience and purpose. Students progress through the stages of the writing process (i.e., pre-writing, drafting, revising, editing successive versions).**	**10**	**21%**
1.1	**Organization and Focus:** select a focus, an organizational structure, and a point of view based upon purpose, audience, length, and format requirements	**1**	
1.2	**Organization and Focus:** create multiple-paragraph compositions that		
	1) provide an introductory paragraph	†	
	2) establish and support a central idea with a topic sentence at or near the beginning of the first paragraph	**1**	
	3) include supporting paragraphs with simple facts, details, and explanations	**2**	
	4) conclude with a paragraph that summarizes the points	**1**	
	5) use correct indentation	*****	

* Not assessable in a multiple-choice format
† Not tested

CALIFORNIA MODIFIED ASSESSMENT
GRADE 4 ENGLISH-LANGUAGE ARTS

CALIFORNIA CONTENT STANDARDS: WRITING		Recommended # of Items on CMA	%
1.3	**Organization and Focus:** use traditional structures for conveying information (e.g., chronological order, cause and effect, similarity and difference, and posing and answering a question)	†	
1.4	**Penmanship:** write fluidly and legibly in cursive or joined italic	*	
1.5	**Research and Technology:** quote or paraphrase information sources, citing them appropriately	†	
1.6	**Research and Technology:** locate information in reference texts by using organizational features (e.g., prefaces, appendices)	**1**	
1.7	**Research and Technology:** use various reference materials (e.g., dictionary, thesaurus, card catalog, encyclopedia, on-line information) as an aid to writing	**1**	
1.8	**Research and Technology:** understand the organization of almanacs, newspapers, and periodicals and how to use those print materials	**1**	
1.9	**Research and Technology:** demonstrate basic keyboarding skills and familiarity with computer terminology (e.g., cursor, software, memory, disk drive, hard drive)	*	
1.10	**Evaluation and Revision:** edit and revise selected drafts to improve coherence and progression by adding, deleting, consolidating, and rearranging text	**2**	
TOTALS		**48**	**100%**

* Not assessable in a multiple-choice format
† Not tested

CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 ENGLISH-LANGUAGE ARTS

CALIFORNIA CONTENT STANDARDS: READING		Recommended # of Items on CMA	%
1.0	**WORD ANALYSIS, FLUENCY, AND SYSTEMATIC VOCABULARY DEVELOPMENT: Students use their knowledge of word origins and word relationships, as well as historical and literary context clues, to determine the meaning of specialized vocabulary and to understand the precise meaning of grade-level appropriate words.**	**8**	**17%**
1.1	**Word Recognition:** read aloud narrative and expository text fluently and accurately, and with appropriate pacing, intonation, and expression	*	
1.2	**Vocabulary and Concept Development:** use word origins to determine the meaning of unknown words	**1**	
1.3	**Vocabulary and Concept Development:** understand and explain frequently used synonyms, antonyms and homographs	**2**	
1.4	**Vocabulary and Concept Development:** know abstract, derived roots and affixes from Greek and Latin, and use this knowledge to analyze the meaning of complex words (e.g., controversial)	**2**	
1.5	**Vocabulary and Concept Development:** understand and explain the figurative and metaphorical use of words in context	**3**	
2.0	**READING COMPREHENSION (FOCUS ON INFORMATIONAL MATERIALS): Students read and understand grade-level-appropriate material. They describe and connect the essential ideas, arguments, and perspectives of the text by using their knowledge of text structure, organization, and purpose. The selections in *Recommended Readings in Literature, Kindergarten Through Grade Eight* illustrate the quality and complexity of the materials to be read by students. In addition, by grade eight, students read one million words annually on their own, including a good representation of grade-level-appropriate narrative and expository text (e.g., classic and contemporary literature, magazines, newspapers, online information). In grade five, students make progress toward this goal.**	**10**	**20%**
2.1	**Structural Features of Informational Materials:** understand how text features (e.g., format, graphics, sequence, diagrams, illustrations, charts, maps) make information accessible and usable	**2**	
2.2	**Structural Features of Informational Materials:** analyze text that is organized in sequential or chronological order	**2**	
2.3	**Comprehension and Analysis of Grade-Level-Appropriate Text:** discern main ideas and concepts presented in texts, identifying and assessing evidence that supports those ideas	**2**	
2.4	**Comprehension and Analysis of Grade-Level-Appropriate Text:** draw inferences, conclusions, or generalizations about text and support them with textual evidence and prior knowledge	**2**	
2.5	**Expository Critique:** distinguish facts, supported inferences, and opinions in text	**2**	
3.0	**LITERARY RESPONSE AND ANALYSIS: Students read and respond to historically or culturally significant works of literature. They begin to find ways to clarify the ideas and make connections between literary works. The selections in *Recommended Readings in Literature, Kindergarten Through Grade Eight* illustrate the quality and complexity of the materials to be read by students.**	**8**	**17%**
3.1	**Structural Features of Literature:** identify and analyze the characteristics of poetry, drama, fiction, and nonfiction and explain the appropriateness of the literary forms chosen by an author for a specific purpose	**1**	
3.2	**Narrative Analysis of Grade-Level-Appropriate Text:** identify the main problem or conflict of the plot and how it is resolved	**2**	
3.3	**Narrative Analysis of Grade-Level-Appropriate Text:** contrast the actions, motives (loyalty, selfishness, conscientiousness), and appearances of characters in a work of fiction and discuss the importance of the contrasts to the plot or theme	**1**	

* Not assessable in a multiple-choice format
† Not tested

CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 ENGLISH-LANGUAGE ARTS

CALIFORNIA CONTENT STANDARDS: READING		Recommended # of Items on CMA	%
3.4	**Narrative Analysis of Grade-Level-Appropriate Text:** understand that theme refers to the meaning or moral of a selection and recognize themes (whether implied or stated directly) in sample works	**1**	
3.5	**Narrative Analysis of Grade-Level-Appropriate Text:** describe the function and effect of common literary devices (e.g., imagery, metaphor, symbolism)	**1**	
3.6	**Literary Criticism:** evaluate the meaning of archetypal patterns and symbols that are found in myth and tradition by using literature from different eras and cultures	**1**	
3.7	**Literary Criticism:** evaluate the author's use of various techniques (e.g., appeal of characters in a picture book, logic and credibility of plots and settings, use of figurative language) to influence readers' perspectives	**1**	
CALIFORNIA CONTENT STANDARDS: WRITING		**Recommended # of Items on CMA**	**%**
1.0	**WRITTEN AND ORAL ENGLISH LANGUAGE CONVENTIONS: Students write and speak with a command of standard English conventions appropriate to this grade level.**	**11**	**23%**
1.1	**Sentence Structure:** identify and correctly use prepositional phrases, appositives, and independent and dependent clauses; use transitions and conjunctions to connect ideas	**3**	
1.2	**Grammar:** identify and correctly use verbs that are often misused (e.g., lie/lay, sit/set, rise/raise), modifiers, and pronouns	**2**	
1.3	**Punctuation:** use a colon to separate hours and minutes and to introduce a list; use quotation marks around the exact words of speaker and titles of poems, songs, short stories, and so forth	**2**	
1.4	**Capitalization:** use correct capitalization	**2**	
1.5	**Spelling:** spell roots, suffixes, prefixes, contractions, and syllable constructions correctly	**2**	
1.0	**WRITING STRATEGIES: Students write clear, coherent, and focused essays. The writing exhibits the students' awareness of the audience and purpose. Essays contain formal introductions, supporting evidence, and conclusions. Students progress through the stages of the writing process as needed.**	**11**	**23%**
1.1	**Organization and Focus:** create multiple-paragraph narrative compositions		
	1) establish and develop a situation or plot	**1**	
	2) describe the setting	**1**	
	3) present an ending	**1**	
1.2	**Organization and Focus:** create multiple-paragraph expository compositions		
	1) establish a topic, important ideas, or events in sequence or chronological order	**2**	
	2) provide details and transitional expressions that link one paragraph to another in a clear line of thought	**1**	
	3) offer a concluding paragraph that summarizes important ideas and details	**1**	
1.3	**Research and Technology:** use organizational features of printed text (e.g., citations, end notes, bibliographic references) to locate relevant information	**1**	
1.4	**Research and Technology:** create simple documents by using electronic media and employing organization features (e.g., passwords, entry and pull-down menus, word searches, the thesaurus, spell checks)	*****	
1.5	**Research and Technology:** use a thesaurus to identify alternative word choices and meanings	**1**	
1.6	**Evaluation and Revision:** edit and revise manuscripts to improve the meaning and focus of writing by adding, deleting, consolidating, clarifying, and rearranging words and sentences	**2**	
TOTALS		**48**	**100%**

* Not assessable in a multiple-choice format
† Not tested

CALIFORNIA MODIFIED ASSESSMENT
GRADE 2 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: Mathematics		Recommended # of Items on CMA	%
By the end of grade two, students understand place value and number relationships in addition and subtraction, and they use simple concepts of multiplication. They measure quantities with appropriate units. They classify shapes and see relationships among them by paying attention to their geometric attributes. They collect and analyze data and verify the answers.			
	Number Sense	**27**	**56%**
1.0	**Students understand the relationship between numbers, quantities, and place value in whole numbers up to 1,000:**		
1.1*	Count, read, and write whole numbers to 1,000 and identify the place value for each digit.	**3**	
1.2	Use words, models, and expanded forms (e.g., 45 = 4 tens + 5) to represent numbers (to 1000).	**1**	
1.3*	Order and compare whole numbers to 1,000 by using the symbols <, =, >.	**3**	
2.0	**Students estimate, calculate, and solve problems involving addition and subtraction of two- and three-digit numbers:**		
2.1*	Understand and use the inverse relationship between addition and subtraction (e.g., an opposite number sentence for 8 + 6 = 14 is 14 – 6 = 8) to solve problems and check solutions.	**2**	
2.2*	Find the sum or difference of two whole numbers up to three digits long.	**3**	
2.3	Use mental arithmetic to find the sum or difference of two-digit numbers.	*******	
3.0*	**Students model and solve simple problems involving multiplication and division:**		
3.1*	Use repeated addition, arrays, and counting by multiples to do multiplication.	**1**	
3.2*	Use repeated subtraction, equal sharing, and forming equal groups with remainders to do division.	**2**	
3.3*	Know the multiplication tables of 2s, 5s, and 10s (to "times 10") and commit them to memory.	**2**	
4.0	**Students understand that fractions and decimals may refer to parts of a set and parts of a whole:**		
4.1*	Recognize, name, and compare unit fractions from $\frac{1}{12}$ to $\frac{1}{2}$.	**2**	
4.2*	Recognize fractions of a whole and parts of a group (e.g., one-fourth of a pie, two-thirds of 15 balls).	**2**	
4.3*	Know that when all fractional parts are included, such as four-fourths, the result is equal to the whole and to one.	**2**	
5.0	**Students model and solve problems by representing, adding, and subtracting amounts of money:**		
5.1*	Solve problems using combinations of coins and bills.	**2**	
5.2*	Know and use the decimal notation and the dollar and cent symbols for money.	**2**	
6.0	**Students use estimation strategies in computation and problem solving that involve numbers that use the ones, tens, hundreds, and thousands places:**		
6.1	Recognize when an estimate is reasonable in measurements (e.g., closest inch).	†	

* Key standards (*Mathematics Framework for California Public Schools*, chapter 3) comprise a minimum of 70% of the test
*** Not assessable in a multiple-choice format
† Not tested
Embedded: Content of standard is embedded within items in other strands.

CALIFORNIA MODIFIED ASSESSMENT
GRADE 2 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: Mathematics		Recommended # of Items on CMA	%
Algebra and Functions		**5**	**10%**
1.0	**Students model, represent, and interpret number relationships to create and solve problems involving addition and subtraction:**		
1.1*	Use the commutative and associative rules to simplify mental calculations and to check results.	**2**	
1.2	Relate problem situations to number sentences involving addition and subtraction.	**1**	
1.3	Solve addition and subtraction problems by using data from simple charts, picture graphs, and number sentences.	**2**	
Measurement and Geometry		**10**	**21%**
1.0	**Students understand that measurement is accomplished by identifying a unit of measure, iterating (repeating) that unit, and comparing it to the item to be measured:**		
1.1	Measure the length of objects by iterating (repeating) a nonstandard or standard unit.	**1**	
1.2	Use different units to measure the same object and predict whether the measure will be greater or smaller when a different unit is used.	**1**	
1.3*	Measure the length of an object to the nearest inch and/or centimeter.	**2**	
1.4	Tell time to the nearest quarter hour and know relationships of time (e.g., minutes in an hour, days in a month, weeks in a year).	**1**	
1.5	Determine the duration of intervals of time in hours (e.g., 11:00 a.m. to 4:00 p.m.).	**1**	
2.0*	**Students identify and describe the attributes of common figures in the plane and of common objects in space:**		
2.1*	Describe and classify plane and solid geometric shapes (e.g., circle, triangle, square, rectangle, sphere, pyramid, cube, rectangular prism) according to the number and shape of faces, edges, and vertices.	**2**	
2.2*	Put shapes together and take them apart to form other shapes (e.g., two congruent right triangles can be arranged to form a rectangle).	**2**	
Statistics, Data Analysis, and Probability		**6**	**13%**
1.0*	**Students collect numerical data and record, organize, display, and interpret the data on bar graphs and other representations:**		
1.1	Record numerical data in systematic ways, keeping track of what has been counted.	**2**	
1.2	Represent the same data set in more than one way (e.g., bar graphs and charts with tallies).	**2**	
1.3	Identify features of data sets (range and mode).	**1**	
1.4	Ask and answer simple questions related to data representations.	**1**	
2.0*	**Students demonstrate an understanding of patterns and how patterns grow and describe them in general ways:**		
2.1	Recognize, describe, and extend patterns and determine a next term in linear patterns (e.g., 4, 8, 12, . . .; the number of ears on one horse, two horses, three horses, four horses).	*******	
2.2	Solve problems involving simple number patterns.	*******	

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† Not tested
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CALIFORNIA MODIFIED ASSESSMENT
GRADE 2 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
Mathematical Reasoning		**Embedded**	
1.0	**Students make decisions about how to set up a problem:**		
1.1	Determine the approach, materials, and strategies to be used.	**Embedded**	
1.2	Use tools, such as manipulatives or sketches, to model problems.	**Embedded**	
2.0	**Students solve problems and justify their reasoning:**		
2.1	Defend the reasoning used and justify the procedures selected.	**Embedded**	
2.2	Make precise calculations and check the validity of the results in the context of the problem.	**Embedded**	
3.0	**Students note connections between one problem and another.**		
TOTALS		**48**	**100%**

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*** Not assessable in a multiple-choice format
† Not tested
Embedded: Content of standard is embedded within items in other strands.

CALIFORNIA MODIFIED ASSESSMENT
GRADE 3 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
By the end of grade three, students deepen their understanding of place value and their understanding of and skill with addition, subtraction, multiplication, and division of whole numbers. Students estimate, measure, and describe objects in space. They use patterns to help solve problems. They represent number relationships and conduct simple probability experiments.			
	Number Sense	**24**	**50%**
1.0	**Students understand the place value of whole numbers:**		
1.1	Count, read, and write whole numbers to 10,000.	**1**	
1.2	Compare and order whole numbers to 10,000.	**1**	
1.3*	Identify the place value for each digit in numbers to 10,000.	**2**	
1.4	Round off numbers to 10,000 to the nearest ten, hundred, and thousand.	**1**	
1.5*	Use expanded notation to represent numbers (e.g.,3,206 = 3,000 + 200 + 6).	**1**	
2.0	**Students calculate and solve problems involving addition, subtraction, multiplication, and division:**		
2.1*	Find the sum or difference of two whole numbers between 0 and 10,000.	**3**	
2.2*	Memorize to automaticity the multiplication table for numbers between 1 and 10.	*******	
2.3*	Use the inverse relationship of multiplication and division to compute and check results.	**2**	
2.4*	Solve simple problems involving multiplication of multidigit numbers by one-digit numbers (3,671 × 3 = ___).	**4**	
2.5	Solve division problems in which a multidigit number is evenly divided by a one-digit number (135 ÷ 5 = ___).	**1**	
2.6	Understand the special properties of 0 and 1 in multiplication and division.	**1**	
2.7	Determine the unit cost when given the total cost and number of units.	†	
2.8	Solve problems that require two or more of the skills mentioned above.	**1**	
3.0	**Students understand the relationship between whole numbers, simple fractions, and decimals:**		
3.1	Compare fractions represented by drawings or concrete materials to show equivalency and to add and subtract simple fractions in context (e.g., ½ of a pizza is the same amount as 2/4 of another pizza that is the same size; show that 3/8 is larger than ¼).	**1**	
3.2*	Add and subtract simple fractions (e.g., determine that 1/8 + 3/8 is the same as ½).	**1**	
3.3*	Solve problems involving addition, subtraction, multiplication, and division of money amounts in decimal notation and multiply and divide money amounts in decimal notation by using whole-number multipliers and divisors.	**3**	
3.4	Know and understand that fractions and decimals are two different representations of the same concept (e.g., 50 cents is ½ of a dollar, 75 cents is ¾ of a dollar).	**1**	

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*** Not assessable in a multiple-choice format
† Not tested
Embedded: Content of standard is embedded within items in other strands.

CALIFORNIA MODIFIED ASSESSMENT
GRADE 3 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
Algebra and Functions		**8**	**17%**
1.0	**Students select appropriate symbols, operations, and properties to represent, describe, simplify, and solve simple number relationships:**		
1.1*	Represent relationships of quantities in the form of mathematical expressions, equations, or inequalities.	**2**	
1.2	Solve problems involving numeric equations or inequalities.	**1**	
1.3	Select appropriate operational and relational symbols to make an expression true (e.g., if 4 ___ 3 = 12, what operational symbol goes in the blank?).	†	
1.4	Express simple unit conversions in symbolic form (e.g., _____inches = _____feet × 12).	**1**	
1.5	Recognize and use the commutative and associative properties of multiplication (e.g., if 5 × 7 = 35, then what is 7 × 5? and if 5 × 7 × 3 = 105, then what is 7 × 3 × 5?).	**1**	
2.0	**Students represent simple functional relationships:**		
2.1*	Solve simple problems involving a functional relationship between two quantities (e.g., find the total cost of multiple items given the cost per unit).	**2**	
2.2	Extend and recognize a linear pattern by its rules (e.g., the number of legs on a given number of horses may be calculated by counting by 4s or by multiplying the number of horses by 4).	**1**	
Measurement and Geometry		**11**	**23%**
1.0	**Students choose and use appropriate units and measurement tools to quantify the properties of objects:**		
1.1	Choose the appropriate tools and units (metric and U.S.) and estimate and measure the length, liquid volume, and weight/mass of given objects.	**1**	
1.2*	Estimate or determine the area and volume of solid figures by covering them with squares or by counting the number of cubes that would fill them.	**2**	
1.3*	Find the perimeter of a polygon with integer sides.	**2**	
1.4	Carry out simple unit conversions within a system of measurement (e.g., centimeters and meters, hours and minutes).	**1**	
2.0	**Students describe and compare the attributes of plane and solid geometric figures and use their understanding to show relationships and solve problems:**		
2.1*	Identify, describe, and classify polygons (including pentagons, hexagons, and octagons).	**1**	
2.2*	Identify attributes of triangles (e.g., two equal sides for the isosceles triangle, three equal sides for the equilateral triangle, right angle for the right triangle).	**1**	
2.3*	Identify attributes of quadrilaterals (e.g., parallel sides for the parallelogram, right angles for the rectangle, equal sides and right angles for the square).	**1**	
2.4	Identify right angles in geometric figures or in appropriate objects and determine whether other angles are greater or less than a right angle.	**1**	
2.5	Identify, describe, and classify common three-dimensional geometric objects (e.g., cube, rectangular solid, sphere, prism, pyramid, cone, cylinder).	**1**	
2.6	Identify common solid objects that are the components needed to make a more complex solid object.	†	

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*** Not assessable in a multiple-choice format

† Not tested

Embedded: Content of standard is embedded within items in other strands.

CALIFORNIA MODIFIED ASSESSMENT
GRADE 3 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
Statistics, Data Analysis, and Probability		**5**	**10%**
1.0	**Students conduct simple probability experiments by determining the number of possible outcomes and make simple predictions:**		
1.1	Identify whether common events are certain, likely, unlikely, or improbable.	**1**	
1.2*	Record the possible outcomes for a simple event (e.g., tossing a coin) and systematically keep track of the outcomes when the event is repeated many times.	**2**	
1.3*	Summarize and display the results of probability experiments in a clear and organized way (e.g., use a bar graph or a line plot).	**2**	
1.4	Use the results of probability experiments to predict future events (e.g., use a line plot to predict the temperature forecast for the next day).	*******	
Mathematical Reasoning		**Embedded**	
1.0	**Students make decisions about how to approach problems:**		
1.1	Analyze problems by identifying relationships, distinguishing relevant from irrelevant information, sequencing and prioritizing information, and observing patterns.	**Embedded**	
1.2	Determine when and how to break a problem into simpler parts.	**Embedded**	
2.0	**Students use strategies, skills, and concepts in finding solutions:**		
2.1	Use estimation to verify the reasonableness of calculated results.	**Embedded**	
2.2	Apply strategies and results from simpler problems to more complex problems.	**Embedded**	
2.3	Use a variety of methods, such as words, numbers, symbols, charts, graphs, tables, diagrams, and models, to explain mathematical reasoning.	**Embedded**	
2.4	Express the solution clearly and logically by using the appropriate mathematical notation and terms and clear language; support solutions with evidence in both verbal and symbolic work.	**Embedded**	
2.5	Indicate the relative advantages of exact and approximate solutions to problems and give answers to a specified degree of accuracy.	**Embedded**	
2.6	Make precise calculations and check the validity of the results from the context of the problem.	**Embedded**	
3.0	**Students move beyond a particular problem by generalizing to other situations:**		
3.1	Evaluate the reasonableness of the solution in the context of the original situation.	**Embedded**	
3.2	Note the method of deriving the solution and demonstrate a conceptual understanding of the derivation by solving similar problems.	**Embedded**	
3.3	Develop generalizations of the results obtained and apply them in other circumstances.	**Embedded**	
TOTALS		**48**	**100%**

* Key standards (*Mathematics Framework for California Public Schools*, chapter 3) comprise a minimum of 70% of the test

*** Not assessable in a multiple-choice format

† Not tested

Embedded: Content of standard is embedded within items in other strands.

CALIFORNIA MODIFIED ASSESSMENT
GRADE 4 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
By the end of grade four, students understand large numbers and addition, subtraction, multiplication, and division of whole numbers. They describe and compare simple fractions and decimals. They understand the properties of, and the relationships between, plane geometric figures. They collect, represent, and analyze data to answer questions.			
Number Sense		**23**	**48%**
1.0	**Students understand the place value of whole numbers and decimals to two decimal places and how whole numbers and decimals relate to simple fractions. Students use the concepts of negative numbers:**		
1.1*	Read and write whole numbers in the millions.	**2**	
1.2*	Order and compare whole numbers and decimals to two decimal places.	**1**	
1.3*	Round whole numbers through the millions to the nearest ten, hundred, thousand, ten thousand, or hundred thousand.	**1**	
1.4*	Decide when a rounded solution is called for and explain why such a solution may be appropriate.	*******	
1.5	Explain different interpretations of fractions, for example, parts of a whole, parts of a set, and division of whole numbers by whole numbers; explain equivalents of fractions (see Standard 4.0).	**1**	
1.6	Write tenths and hundredths in decimal and fraction notations, and know the fraction and decimal equivalents for halves and fourths (e.g., ½ = 0.5 or .50; 7/4 = 1 ¾ = 1.75).	**1**	
1.7	Write the fraction represented by a drawing of parts of a figure; represent a given fraction by using drawings; and relate a fraction to a simple decimal on a number line.	**1**	
1.8*	Use concepts of negative numbers (e.g., on a number line, in counting, in temperature, in "owing").	**2**	
1.9*	Identify on a number line the relative position of positive fractions, positive mixed numbers, and positive decimals to two decimal places.	**2**	
2.0	**Students extend their use and understanding of whole numbers to the addition and subtraction of simple decimals:**		
2.1	Estimate and compute the sum or difference of whole numbers and positive decimals to two places.	**1**	
2.2	Round two-place decimals to one decimal or the nearest whole number and judge the reasonableness of the rounded answer.	**1**	
3.0*	**Students solve problems involving addition, subtraction, multiplication, and division of whole numbers and understand the relationships among the operations:**		
3.1*	Demonstrate an understanding of, and the ability to use, standard algorithms for the addition and subtraction of multidigit numbers.	**2**	
3.2*	Demonstrate an understanding of, and the ability to use, standard algorithms for multiplying a multidigit number by a two-digit number and for dividing a multidigit number by a one-digit number; use relationships between them to simplify computations and to check results.	**2**	
3.3*	Solve problems involving multiplication of multidigit numbers by two-digit numbers	**2**	
3.4*	Solve problems involving division of multidigit numbers by one-digit numbers.	**2**	

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† Not tested
Embedded: Content of standard is embedded within items in other strands.

CALIFORNIA MODIFIED ASSESSMENT
GRADE 4 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
4.0	**Students know how to factor small whole numbers:**		
4.1	Understand that many whole numbers break down in different ways (e.g., 12 = 4 × 3 = 2 × 6 = 2 × 2 × 3).	**1**	
4.2*	Know that numbers such as 2, 3, 5, 7, and 11 do not have any factors except 1 and themselves and that such numbers are called prime numbers.	**1**	
	Algebra and Functions	**10**	**21%**
1.0	**Students use and interpret variables, mathematical symbols, and properties to write and simplify expressions and sentences:**		
1.1	Use letters, boxes, or other symbols to stand for any number in simple expressions or equations (e.g., demonstrate an understanding and the use of the concept of a variable).	**1**	
1.2*	Interpret and evaluate mathematical expressions that now use parentheses.	**2**	
1.3*	Use parentheses to indicate which operation to perform first when writing expressions containing more than two terms and different operations.	**2**	
1.4	Use and interpret formulas (e.g., area = length × width or A = lw) to answer questions about quantities and their relationships.	**1**	
1.5*	Understand that an equation such as y = 3x + 5 is a prescription for determining a second number when a first number is given.	**2**	
2.0*	**Students know how to manipulate equations:**		
2.1*	Know and understand that equals added to equals are equal.	**1**	
2.2*	Know and understand that equals multiplied by equals are equal.	**1**	
	Measurement and Geometry	**10**	**21%**
1.0	**Students understand perimeter and area:**		
1.1	Measure the area of rectangular shapes by using appropriate units such as square centimeter (cm^2), square meter (m^2), square kilometer (km^2), square inch (in^2), square yard (yd^2), or square mile (mi^2).	**1**	
1.2	Recognize that rectangles that have the same area can have different perimeters.	†	
1.3	Understand that rectangles that have the same perimeter can have different areas.	†	
1.4	Understand and use formulas to solve problems involving perimeters and areas of rectangles and squares. Use those formulas to find the areas of more complex figures by dividing the figures into basic shapes.	**1**	
2.0*	**Students use two-dimensional coordinate grids to represent points and graph lines and simple figures:**		
2.1*	Draw the points corresponding to linear relationships on graph paper (e.g., draw 10 points on the graph of the equation *y* = 3*x* and connect them by using a straight line).	**1**	
2.2*	Understand that the length of a horizontal line segment equals the difference of the *x*-coordinates.	**1**	
2.3*	Understand that the length of a vertical line segment equals the difference of the *y*-coordinates.	**1**	

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 4 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
3.0	**Students demonstrate an understanding of plane and solid geometric objects and use this knowledge to show relationships and solve problems:**		
3.1	Identify lines that are parallel and perpendicular.	**1**	
3.2	Identify the radius and diameter of a circle.	**1**	
3.3	Identify congruent figures.	**1**	
3.4	Identify figures that have bilateral and rotational symmetry.	†	
3.5	Know the definitions of a right angle, an acute angle, and an obtuse angle. Understand that 90°, 180°, 270°, and 360° are associated, respectively with ¼, ½, ¾, and full turns.	**1**	
3.6	Visualize, describe, and make models of geometric solids (e.g., prisms, pyramids) in terms of the number and shape of faces, edges, and vertices; interpret two-dimensional representations of three-dimensional objects; and draw patterns (of faces) for a solid that, when cut and folded, will make a model of the solid.	**1**	
3.7	Know the definitions of different triangles (e.g., equilateral, isosceles, scalene) and identify their attributes.	†	
3.8	Know the definition of different quadrilaterals (e.g., rhombus, square, rectangle, parallelogram, trapezoid).	†	
Statistics, Data Analysis, and Probability		**5**	**10%**
1.0	**Students organize, represent, and interpret numerical and categorical data and clearly communicate their findings:**		
1.1	Formulate survey questions; systematically collect and represent data on a number line; and coordinate graphs, tables, and charts.	**1**	
1.2	Identify the mode(s) for sets of categorical data and the mode(s), median, and any apparent outliers for numerical data sets.	**1**	
1.3	Interpret one- and two-variable data graphs to answer questions about a situation.	**1**	
2.0	**Students make predictions for simple probability situations:**		
2.1	Represent all possible outcomes for a simple probability situation in an organized way (e.g., tables, grids, tree diagrams).	**1**	
2.2	Express outcomes of experimental probability situations verbally and numerically (e.g., 3 out of 4; ¾).	**1**	
Mathematical Reasoning		**Embedded**	
1.0	**Students make decisions about how to approach problems:**		
1.1	Analyze problems by identifying relationships, distinguishing relevant from irrelevant information, sequencing and prioritizing information, and observing patterns.	**Embedded**	
1.2	Determine when and how to break a problem into simpler parts.	**Embedded**	

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 4 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
2.0	**Students use strategies, skills, and concepts in finding solutions:**		
2.1	Use estimation to verify the reasonableness of calculated results.	**Embedded**	
2.2	Apply strategies and results from simpler problems to more complex problems.	**Embedded**	
2.3	Use a variety of methods, such as words, numbers, symbols, charts, graphs, tables, diagrams, and models, to explain mathematical reasoning.	**Embedded**	
2.4	Express the solution clearly and logically by using the appropriate mathematical notation and terms and clear language; support solutions with evidence in both verbal and symbolic work.	**Embedded**	
2.5	Indicate the relative advantages of exact and approximate solutions to problems and give answers to a specified degree of accuracy.	**Embedded**	
2.6	Make precise calculations and check the validity of the results from the context of the problem.	**Embedded**	
3.0	**Students move beyond a particular problem by generalizing to other situations:**		
3.1	Evaluate the reasonableness of the solution in the context of the original situation.	**Embedded**	
3.2	Note the method of deriving the solution and demonstrate a conceptual understanding of the derivation by solving similar problems.	**Embedded**	
3.3	Develop generalizations of the results obtained and apply them in other circumstances.	**Embedded**	
TOTALS		**48**	**100%**

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
By the end of grade five, students increase their facility with the four basic arithmetic operations applied to fractions, decimals, and positive and negative numbers. They know and use common measuring units to determine length and area and know and use formulas to determine the volume of simple geometric figures. Students know the concept of angle measurement and use a protractor and compass to solve problems. They use grids, tables, graphs, and charts to record and analyze data.			
Number Sense		**21**	**44%**
1.0	**Students compute with very large and very small numbers, positive integers, decimals, and fractions and understand the relationship between decimals, fractions, and percents. They understand the relative magnitudes of numbers:**		
1.1	Estimate, round, and manipulate very large (e.g., millions) and very small (e.g., thousandths) numbers.	**1**	
1.2*	Interpret percents as a part of a hundred; find decimal and percent equivalents for common fractions and explain why they represent the same value; compute a given percent of a whole number.	**3**	
1.3	Understand and compute positive integer powers of nonnegative integers; compute examples as repeated multiplication.	**1**	
1.4*	Determine the prime factors of all numbers through 50 and write the numbers as the product of their prime factors by using exponents to show multiples of a factor (e.g., $24 = 2 \times 2 \times 2 \times 3 = 2^3 \times 3$).	**2**	
1.5*	Identify and represent on a number line decimals, fractions, mixed numbers, and positive and negative integers.	**2**	
2.0	**Students perform calculations and solve problems involving addition, subtraction, and simple multiplication and division of fractions and decimals:**		
2.1*	Add, subtract, multiply, and divide with decimals; add with negative integers; subtract positive integers from negative integers; and verify the reasonableness of the results.	**5**	
2.2*	Demonstrate proficiency with division, including division with positive decimals and long division with multidigit divisors.	**2**	
2.3*	Solve simple problems, including ones arising in concrete situations, involving the addition and subtraction of fractions and mixed numbers (like and unlike denominators of 20 or less), and express answers in the simplest form.	**4**	
2.4	Understand the concept of multiplication and division of fractions.	**0**	
2.5	Compute and perform simple multiplication and division of fractions and apply these procedures to solving problems.	**1**	
Algebra and Functions		**12**	**25%**
1.0	**Students use variables in simple expressions, compute the value of the expression for specific values of the variable, and plot and interpret the results:**		
1.1	Use information taken from a graph or equation to answer questions about a problem situation.	**1**	
1.2*	Use a letter to represent an unknown number; write and evaluate simple algebraic expressions in one variable by substitution.	**4**	
1.3	Know and use the distributive property in equations and expressions with variables.	**1**	
1.4*	Identify and graph ordered pairs in the four quadrants of the coordinate plane.	**3**	
1.5*	Solve problems involving linear functions with integer values; write the equation; and graph the resulting ordered pairs of integers on a grid.	**3**	

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
Measurement and Geometry		**10**	**21%**
1.0	**Students understand and compute the volumes and areas of simple objects:**		
1.1*	Derive and use the formula for the area of a triangle and of a parallelogram by comparing it with the formula for the area of a rectangle (i.e., two of the same triangles make a parallelogram with twice the area; a parallelogram is compared with a rectangle of the same area by cutting and pasting a right triangle on the parallelogram).	**1**	
1.2*	Construct a cube and rectangular box from two-dimensional patterns and use these patterns to compute the surface area for these objects.	**1**	
1.3*	Understand the concept of volume and use the appropriate units in common measuring systems (i.e., cubic centimeter[cm^3], cubic meter[m^3], cubic inch[in^3], cubic yard[yd^3]) to compute the volume of rectangular solids.	**2**	
1.4	Differentiate between and use appropriate units of measures for, two- and three-dimensional objects (i.e., find perimeter, area, volume).	**1**	
2.0	**Students identify, describe, and classify the properties of, and the relationships between, plane and solid geometric figures:**		
2.1*	Measure, identify, and draw angles, perpendicular and parallel lines, rectangles, and triangles by using appropriate tools (e.g., straightedge, ruler, compass, protractor, drawing software).	**3**	
2.2*	Know that the sum of the angles of any triangle is 180° and the sum of the angles of any quadrilateral is 360° and use this information to solve problems.	**2**	
2.3	Visualize and draw two-dimensional views of three-dimensional objects made from rectangular solids.	†	
Statistics, Data Analysis, and Probability		**5**	**10%**
1.0	**Students display, analyze, compare, and interpret different data sets, including data sets of different sizes:**		
1.1	Know the concepts of mean, median, and mode; compute and compare simple examples to show that they may differ.	**1**	
1.2	Organize and display single-variable data in appropriate graphs and representations (e.g., histogram, circle graphs) and explain which types of graphs are appropriate for various data sets.	**1**	
1.3	Use fractions and percentages to compare data sets of different sizes.	†	
1.4*	Identify ordered pairs of data from a graph and interpret the meaning of the data in terms of the situation depicted by the graph.	**2**	
1.5*	Know how to write ordered pairs correctly; for example, (x, y).	**1**	
Mathematical Reasoning		**Embedded**	
1.0	**Students make decisions about how to approach problems:**		
1.1	Analyze problems by identifying relationships, distinguishing relevant from irrelevant information, sequencing and prioritizing information, and observing patterns.	**Embedded**	
1.2	Determine when and how to break a problem into simpler parts.	**Embedded**	

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
2.0	**Students use strategies, skills, and concepts in finding solutions:**		
2.1	Use estimation to verify the reasonableness of calculated results.	**Embedded**	
2.2	Apply strategies and results from simpler problems to more complex problems.	**Embedded**	
2.3	Use a variety of methods, such as words, numbers, symbols, charts, graphs, tables, diagrams, and models, to explain mathematical reasoning.	**Embedded**	
2.4	Express the solution clearly and logically by using the appropriate mathematical notation and terms and clear language; support solutions with evidence in both verbal and symbolic work.	**Embedded**	
2.5	Indicate the relative advantages of exact and approximate solutions to problems and give answers to a specified degree of accuracy.	**Embedded**	
2.6	Make precise calculations and check the validity of the results from the context of the problem.	**Embedded**	
3.0	**Students move beyond a particular problem by generalizing to other situations:**		
3.1	Evaluate the reasonableness of the solution in the context of the original situation.	**Embedded**	
3.2	Note the method of deriving the solution and demonstrate a conceptual understanding of the derivation by solving similar problems.	**Embedded**	
3.3	Develop generalizations of the results obtained and apply them in other circumstances.	**Embedded**	
TOTALS		**48**	**100%**

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 SCIENCE

CALIFORNIA CONTENT STANDARDS: GRADE 5	Recommended # of Items on CMA	%
Physical Sciences	**14**	**29%**
Physical Sciences – Grade 5	**8**	
1. Elements and their combinations account for all the varied types of matter in the world. As a basis for understanding this concept:		
a. *Students know* that during chemical reactions the atoms in the reactants rearrange to form products with different properties.	**1**	
b. *Students know* all matter is made of atoms, which may combine to form molecules.	**1**	
c. *Students know* metals have properties in common, such as high electrical and thermal conductivity. Some metals, such as aluminum (Al), iron (Fe), nickel (Ni), copper (Cu), silver (Ag), and gold (Au), are pure elements; others, such as steel and brass, are composed of a combination of elemental metals.	**1 or 2**	
d. *Students know* that each element is made of one kind of atom and that the elements are organized in the periodic table by their chemical properties.	**1**	
e. *Students know* scientists have developed instruments that can create discrete images of atoms and molecules that show that the atoms and molecules often occur in well-ordered arrays.	†	
f. *Students know* differences in chemical and physical properties of substances are used to separate mixtures and identify compounds.	**1 or 2**	
g. *Students know* properties of solid, liquid, and gaseous substances, such as sugar ($C_6H_{12}O_6$), water (H_2O), helium (He), oxygen (O_2), nitrogen (N_2), and carbon dioxide (CO_2).	**1 or 2**	
h. *Students know* living organisms and most materials are composed of just a few elements.	†	
i. *Students know* the common properties of salts, such as sodium chloride (NaCl).	†	
Physical Sciences – Grade 4	**6**	
1. Electricity and magnetism are related effects that have many useful applications in everyday life. As a basis for understanding this concept:		
a. *Students know* how to design and build simple series and parallel circuits by using components such as wires, batteries, and bulbs.	**1**	
b. *Students know* how to build a simple compass and use it to detect magnetic effects, including Earth's magnetic field.	**1**	
c. *Students know* electric currents produce magnetic fields and know how to build a simple electromagnet.	**2**	
d. *Students know* the role of electromagnets in the construction of electric motors, electric generators, and simple devices, such as doorbells and earphones.	†	
e. *Students know* electrically charged objects attract or repel each other.	†	
f. *Students know* that magnets have two poles (north and south) and that like poles repel each other while unlike poles attract each other.	**1**	
g. *Students know* electrical energy can be converted to heat, light, and motion.	**1**	

CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 SCIENCE

CALIFORNIA CONTENT STANDARDS: GRADE 5	Recommended # of Items on CMA	%
Life Sciences	**14**	**29%**
Life Sciences – Grade 5	**7**	
2. Plants and animals have structures for respiration, digestion, waste disposal, and transport of materials. As a basis for understanding this concept:		
a. *Students know* many multicellular organisms have specialized structures to support the transport of materials.	†	
b. *Students know* how blood circulates through the heart chambers, lungs, and body and how carbon dioxide (CO_2) and oxygen (O_2) are exchanged in the lungs and tissues.	**1 or 2**	
c. *Students know* the sequential steps of digestion and the roles of teeth and the mouth, esophagus, stomach, small intestine, large intestine, and colon in the function of the digestive system.	**1 or 2**	
d. *Students know* the role of the kidney in removing cellular waste from blood and converting it into urine, which is stored in the bladder.	**1 or 2**	
e. *Students know* how sugar, water, and minerals are transported in a vascular plant.	**1**	
f. *Students know* plants use carbon dioxide (CO_2) and energy from sunlight to build molecules of sugar and release oxygen.	**1**	
g. *Students know* plant and animal cells break down sugar to obtain energy, a process resulting in carbon dioxide (CO_2) and water (respiration).	**1**	
Life Sciences – Grade 4	**7**	
2. All organisms need energy and matter to live and grow. As a basis for understanding this concept:		
a. *Students know* plants are the primary source of matter and energy entering most food chains.	**1**	
b. *Students know* producers and consumers (herbivores, carnivores, omnivores, and decomposers) are related in food chains and food webs and may compete with each other for resources in an ecosystem.	**1 or 2**	
c. *Students know* decomposers, including many fungi, insects, and microorganisms, recycle matter from dead plants and animals.	**1**	
3. Living organisms depend on one another and on their environment for survival. As a basis for understanding this concept:		
a. *Students know* ecosystems can be characterized by their living and nonliving components.	**1**	
b. *Students know* that in any particular environment, some kinds of plants and animals survive well, some survive less well, and some cannot survive at all.	**1 or 2**	
c. *Students know* many plants depend on animals for pollination and seed dispersal, and animals depend on plants for food and shelter.	**1**	
d. *Students know* that most microorganisms do not cause disease and that many are beneficial.	†	

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 SCIENCE

CALIFORNIA CONTENT STANDARDS: GRADE 5	Recommended # of Items on CMA	%
Earth Sciences	**14**	**29%**
Earth Science – Grade 5	**8**	
3. Water on Earth moves between the oceans and land through the processes of evaporation and condensation. As a basis for understanding this concept:		
a. *Students know* most of Earth's water is present as salt water in the oceans, which cover most of Earth's surface.	**1**	
b. *Students know* when liquid water evaporates, it turns into water vapor in the air and can reappear as a liquid when cooled or as a solid if cooled below the freezing point of water.	**1 or 2**	
c. *Students know* water vapor in the air moves from one place to another and can form fog or clouds, which are tiny droplets of water or ice, and can fall to Earth as rain, hail, sleet, or snow.	**1 or 2**	
d. *Students know* that the amount of fresh water located in rivers, lakes, underground sources, and glaciers is limited and that its availability can be extended by recycling and decreasing the use of water.	**1 or 2**	
e. *Students know* the origin of the water used by their local communities.	*****	
4. Energy from the Sun heats Earth unevenly, causing air movements that result in changing weather patterns. As a basis for understanding this concept:		
a. *Students know* uneven heating of Earth causes air movements (convection currents).	†	
b. *Students know* the influence that the ocean has on the weather and the role that the water cycle plays in weather patterns.	†	
c. *Students know* the causes and effects of different types of severe weather.	†	
d. *Students know* how to use weather maps and data to predict local weather and know that weather forecasts depend on many variables.	**1 or 2**	
e. *Students know* that the Earth's atmosphere exerts a pressure that decreases with distance above Earth's surface and that at any point it exerts this pressure equally in all directions.	†	
5. The solar system consists of planets and other bodies that orbit the Sun in predictable paths. As a basis for understanding this concept:		
a. *Students know* the Sun, an average star, is the central and largest body in the solar system and is composed primarily of hydrogen and helium.	**1**	
b. *Students know* the solar system includes the planet Earth, the Moon, the Sun, eight other planets and their satellites, and smaller objects, such as asteroids and comets.	**1 or 2**	
c. *Students know* the path of a planet around the Sun is due to the gravitational attraction between the Sun and the planet.	†	

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 SCIENCE

CALIFORNIA CONTENT STANDARDS: GRADE 5		Recommended # of Items on CMA	%
Earth Science – Grade 4		**6**	
4.	**The properties of rocks and minerals reflect the processes that formed them. As a basis for understanding this concept:**		
a.	*Students know* how to differentiate among igneous, sedimentary, and metamorphic rocks by referring to their properties and methods of formation (the rock cycle).	**1**	
b.	*Students know* how to identify common rock-forming minerals (including quartz, calcite, feldspar, mica, and hornblende) and ore minerals by using a table of diagnostic properties.	**1 or 2**	
5.	**Waves, wind, water, and ice shape and reshape Earth's land surface. As a basis for understanding this concept:**		
a.	*Students know* some changes in the earth are due to slow processes, such as erosion, and some changes are due to rapid processes, such as landslides, volcanic eruptions, and earthquakes.	**1 or 2**	
b.	*Students know* natural processes, including freezing and thawing and the growth of roots, cause rocks to break down into smaller pieces.	**1**	
c.	*Students know* moving water erodes landforms, reshaping the land by taking it away from some places and depositing it as pebbles, sand, silt, and mud in other places (weathering, transport, and deposition).	**1 or 2**	
Investigation and Experimentation		**6**	**13%**
Investigation and Experimentation – Grade 5		**4**	
6.	**Scientific progress is made by asking meaningful questions and conducting careful investigations. As a basis for understanding this concept and addressing the content in the other three strands, students should develop their own questions and perform investigations. Students will:**		
a.	Classify objects (e.g., rocks, plants, leaves) in accordance with appropriate criteria.	**0 or 1**	
b.	Develop a testable question.	†	
c.	Plan and conduct a simple investigation based on a student-developed question and write instructions others can follow to carry out the procedure.	†	
d.	Identify the dependent and controlled variables in an investigation.	**0 or 1**	
e.	Identify a single independent variable in a scientific investigation and explain how this variable can be used to collect information to answer a question about the results of the experiment.	†	
f.	Select appropriate tools (e.g., thermometers, meter sticks, balances, and graduated cylinders) and make quantitative observations.	**0 or 1**	
g.	Record data by using appropriate graphic representations (including charts, graphs, and labeled diagrams) and make inferences based on those data.	**0 or 1**	
h.	Draw conclusions from scientific evidence and indicate whether further information is needed to support a specific conclusion.	**0 or 1**	
i.	Write a report of an investigation that includes conducting tests, collecting data or examining evidence, and drawing conclusions.	†	

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 SCIENCE

CALIFORNIA CONTENT STANDARDS: GRADE 5	Recommended # of Items on CMA	%
Investigation and Experimentation – Grade 4	**2**	
6. Scientific progress is made by asking meaningful questions and conducting careful investigations. As a basis for understanding this concept and addressing the content in the other three strands, students should develop their own questions and perform investigations. Students will:		
a. Differentiate observation from inference (interpretation) and know scientists' explanations come partly from what they observe and partly from how they interpret their observations.	**0 or 1**	
b. Measure and estimate the weight, length, or volume of objects.	**0 or 1**	
c. Formulate and justify predictions based on cause-and-effect relationships.	**0 or 1**	
d. Conduct multiple trials to test a prediction and draw conclusions about the relationships between predictions and results.	†	
e. Construct and interpret graphs from measurements.	†	
f. Follow a set of written instructions for a scientific investigation.	†	
TOTAL	**48**	**100%**

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CMA Test Specifications
Grades 2 Through 5

In constructing test specifications for a modified assessment, the California Modified Assessment (CMA), and in order to improve access to the test for students with disabilities in the K-12 population, the recommended blueprint specifications will reflect a reduced depth, breadth, and complexity in assessing the standards. Following are proposed blueprint specifications and proposed delivery modes.

Proposed Blueprint Specifications

Number of Operational Items. ETS proposes that CDE consider making each CMA test, grades 2 through 5, consist of 48 operational items. This number is less than the CSTs, and permits ETS to predict reliabilities of 0.85 and above, due to the increased number of items being field-tested.

Table 1 below shows the number of operational items for the CSTs and the proposed CMA:

Table 1
Numbers of Operational Items for the CST and Proposed for the CMA

Grade	ELA		Mathematics		Science	
	CST	CMA	CST	CMA	CST	CMA
2	65	48	65	48		
3	65	48	65	48		
4	75	48	65	48		
5	75	48	65	48	60	48

Number of Field Test Items. Because of the expected size of the population taking the CMA, it will be important to have sufficient numbers of embedded field test items beginning with the operational administration in 2008. ETS recommends that CDE consider embedding 9 field test items in each operational form.

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Embedded: Content of standard is embedded within items in other strands.

***Reporting Clusters*.** ETS recommends that CDE consider establishing reporting clusters on the CMA that are as similar to the CSTs as possible. While there will be fewer items on the CMA, each reporting cluster should contain at least 5 items.

Table 2 on the following page shows the ETS-recommended reporting clusters for each content area and grade:

Table 2
Proposed Reporting Clusters for CDE and SBE Consideration

Grade	ELA		Mathematics		Science	
	Reporting Cluster	% of Test	Reporting Cluster	% of Test	Reporting Cluster	% of Test
2	1. Word Analysis 2. Reading Comp 3. Literary Analysis 4. Conventions 5. Writing Strategies	31 23 13 20 13	1. Number Sense (P.V., Add, Sub) 2. Number Sense (Multi, Div, Frac) 3. Algebra 4. Meas and Geom 5. Stats, Data, Prob	23 31 12 21 13		
3	1. Word Analysis 2. Reading Comp 3. Literary Analysis 4. Conventions 5. Writing Strategies	29 21 14 23 13	1. Number Sense (P.V., Add, Sub) 2. Number Sense (Multi, Div, Frac) 3. Algebra 4. Meas and Geom 5. Stats, Data, Prob	23 23 19 25 10		
4	1. Word Analysis 2. Reading Comp 3. Literary Analysis 4. Conventions 5. Writing Strategies	23 21 12 23 21	1. Number Sense (P.V., Add, Sub) 2. Number Sense (Multi, Div, Frac) 3. Algebra 4. Meas and Geom 5. Stats, Data, Prob	27 21 21 21 10		
5	1. Word Analysis 2. Reading Comp 3. Literary Analysis 4. Conventions 5. Writing Strategies	17 23 14 23 23	1. Number Sense (P.V., Add, Sub) 2. Number Sense (Multi, Div, Frac) 3. Algebra 4. Meas and Geom 5. Stats, Data, Prob	21 23 23 23 10	1. Life Science 2. Phys Science 3. Earth Science 4. I.E.	29 29 29 13

Proposed Delivery Modes

Based on data from the fall CMA pilot test, ETS proposes that CDE and SBE consider having item stems read aloud as a delivery mode for each of the above reporting clusters for grades 2 through 5. In ELA, there was some evidence in the pilot suggesting that having the passages read to the students influenced item

* Key standards (*Mathematics Framework for California Public Schools*, chapter 3) comprise a minimum of 70% of the test
*** Not assessable in a multiple-choice format
Embedded: Content of standard is embedded within items in other strands.

difficulty. ETS suggests that students independently read all passages and options.

Pilot results suggest that passage length did not impact student performance. Therefore, ETS will work with the CDE and the CMA ARP to determine appropriate passage guidelines.

Lastly, because calculator use does not appear to have influenced item difficulty, ETS proposes that students have a calculator available for use for any portion of the math test.

Proposed Format

CST	CMA
Two-columns for most items	One column for most items
Customary use of white space	Additional white space
Four answer choices for each item	Three answer choices for each item
Three sessions for grades 2 and 3	Four sessions for grades 2 and 3
Two sessions for grades 4 and 5	Three sessions for grades 4 and 5
Standard font sizes	Larger font sizes
Times (a serif font)	Helvetica (a sans serif font)

Sources of Items

ETS will use primarily new items and passages for the CMA but will occasionally repurpose items from the CST bank, using, for example, items with greater than 0.88 p-value (not usable for CSTs). These items will be revised and field tested for the CMA

* Key standards (*Mathematics Framework for California Public Schools*, chapter 3) comprise a minimum of 70% of the test
*** Not assessable in a multiple-choice format
Embedded: Content of standard is embedded within items in other strands.

Preliminary Summary of the Non-Regulatory Guidance for the Modified Academic Achievement Standards

Assessment Based on Modified Academic Achievement Standards

- "A modified academic achievement standard is an expectation of performance that is challenging for eligible students, but is less difficult than a grade-level academic achievement standard." (pg. 14)

- "Modified academic achievement standards must be aligned with a State's academic content standards for the grade in which a student is enrolled." (pg. 14)

- [CMA] "may be less difficult when compared with the general test and grade-level academic achievement standards." (pg. 15)

- "… students who take an alternate assessment based on modified academic achievement standards are not precluded from attempting to complete the requirements for a regular high school diploma." (pg. 19)

- "The content standards are not modified, but the achievement expectations are less difficult than those on the general test. This means that the same content is covered in the test, but with less difficult questions overall." (pg. 20)

- "Some States have suggested replacing the most difficult items on the general test [to decrease the difficulty] with simpler items appropriate for the grade level, while retaining the same coverage of the content standards." (pg.25)

- "Others [States] have suggested modifying the same items that appear on the grade-level assessment by simplifying the language of the item or eliminating a distracter in multiple-choice items (e.g., having 3 options to choose from, instead of 4)." (pg.25)

- "States may choose to develop a unique assessment based on grade-level content standards that provides flexibility in the presentation of test items, for example, by using technology to allow students to access items via print, spoken, and pictorial form. Or States may permit students to respond to test items by dictating responses or using math manipulatives to illustrate conceptual or procedural knowledge." (pg.25)

* Key standards (*Mathematics Framework for California Public Schools*, chapter 3) comprise a minimum of 70% of the test

*** Not assessable in a multiple-choice format

Embedded: Content of standard is embedded within items in other strands.

- "A State is responsible for ensuring that the design of the assessment and the method of administration do not compromise the validity and reliability of the test results." (pg. 26)

Example:

Following are some of the ways that this State's alternate assessment based on modified academic achievement standards differs from its general assessment:

- The test items are less complex on the alternate assessment. For example, a student may be required to use conjunctions to connect ideas in a sentence rather than transition sentences to connect ideas in a passage of prose.
- There are fewer passages in the alternate assessment's reading assessment. For example, at grades 3 and 4 there are two narrative and two expository passages on the alternate assessment versus three narrative and two expository passages on the general assessment.
- There are three answer choices (i.e., two "distracters") on the alternate assessment, compared to four answer choices (i.e., three distracters) on the general assessment.
- Students may take the alternate assessment over as many days as necessary." (pg 26–27)

IEP Team Criteria

- "A student's IEP Team, which includes the student's parent, determines how the student will participate in State and district-wide assessments. (pg. 16)
- "State must establish clear and appropriate criteria for IEP Teams" (pg. 16)
- "There must be objective evidence demonstrating that the student's disability has precluded the student from achieving grade-level proficiency." (pg. 17)
- "The student's progress to date in response to appropriate instruction, including special education and related services designed to address the student's individual needs, is such that, even if significant growth occurs, the IEP Team is reasonably certain that the student will not achieve grade-level proficiency within the year covered by the student's IEP." (pg. 17)

* Key standards (*Mathematics Framework for California Public Schools*, chapter 3) comprise a minimum of 70% of the test

*** Not assessable in a multiple-choice format

Embedded: Content of standard is embedded within items in other strands.

- "The IEP Team must use multiple valid measures of the student's progress over time in making this determination." (pg. 17)

- "An IEP Team must be able to examine the data and be reasonably certain that, given the student's progress to date, the student is not likely to reach grade-level proficiency within the year covered by his or her IEP." (pg. 18)

Accountability

- Under the final regulations on modified academic achievement standards, when measuring AYP, States and LEAs have the flexibility to count--in determining AYP--the proficient and advanced scores of students who take alternate assessments based on modified academic achievement standards--so long as the number of those proficient and advanced scores does not exceed 2.0 percent of all students in the grades assessed (about 20 percent of students with disabilities) at the LEA and State levels." (pg. 33)

- "A State should amend its accountability plan if it decides to assess students based on modified academic achievement standards." (pg. 38)

* Key standards (*Mathematics Framework for California Public Schools*, chapter 3) comprise a minimum of 70% of the test
*** Not assessable in a multiple-choice format
Embedded: Content of standard is embedded within items in other strands.

CALIFORNIA STATE BOARD OF EDUCATION
1430 N Street, Suite 5111
Sacramento, CA 95814
Phone: (916) 319-0827
Fax: (916) 319-0175

STAFF MEMORANDUM

TO: STATE BOARD OF EDUCATION MEMBERS

FROM: SBE STAFF

DATE: APRIL 17, 2007

RE: BOARD ITEM #4 – Standardized Testing and Reporting Program (STAR): California Modified Assessment

This is the first of two memos to the Board on this topic. The purpose of this first memo is to provide background to Board members to round out your understanding of the proposed California Modified Assessment (CMA). As we represented to the Board at your March 2007 meeting, final federal regulations on this item were released in early April, and staff is diligently working to resolve remaining issues in light of the final regulations and guidance. A second (brief) memo will be provided to the Board prior to the April 17, 2007 meeting to highlight any remaining policy issues and recommended next steps.

Issue

Should the Board approve the proposed blueprints for the California Modified Assessment (CMA), and thereby direct CDE and the testing contactor, Educational Testing Service (ETS), to move forward with the development of the CMA?

Recommendation

The Board should approve the CMA blueprints only after all policy considerations have been answered to the satisfaction of Board members. The final regulatory guidance from the U.S. Department of Education (ED) has given states two additional years of flexibility to operationalize modified assessments, and, while this flexibility is contingent on the Board's ability to continue to show progress toward a modified assessment, action is not necessary at this April Board meeting.

Background

In 2005, U.S Secretary of Education Margaret Spellings announced a new policy designed to help states better demonstrate achievement of students with disabilities.

This policy allows states to develop an alternate assessment for a small group of students with disabilities that make progress toward, but may not reach, grade-level proficiency on the content standards in the same timeframe as other students.

The U.S. Department of Education (ED) released the final regulations and associated guidance on April 4, 2007. These final regulations will enable states to move forward to design and operationalize this alternate assessment, based on modified achievement standards (a "modified assessment"). Accompanying the final regulations, the ED also announced two additional years of flexibility for states for testing years 2008 and 2009 to hold states harmless while they develop these new assessments.

History of the "modified assessment"

The No Child Left Behind Act (NCLB) requires that all students, including students with disabilities (SWD), participate in state-wide assessments. The goal is for all students to ultimately score *proficient* or *advanced* on state-wide assessments by 2014. At present, pupils who do not score at least *proficient* on California Standards Tests (CSTs) do not contribute to a school achieving NCLB's Adequate Yearly Progress (AYP). In addition, students with disabilities (SWD) who take a CST using a modification are not counted for purposes of NCLB's participation requirement (a modification changes the construct of what is being tested, e.g., a teacher reads an English/Language Arts passage to a pupil instead of the pupil reading it independently). Because each subgroup, including students with disabilities, must achieve 95% participation on the state-wide assessment, allowing a pupil to take the assessment with modifications impacts a school's or school district's ability to make its AYP targets.

In recognition that there are some students for whom states' general grade-level assessments (the CSTs in California) do not accurately measure what a student knows, the ED has adopted regulations to enable states to develop an alternate assessment, based on modified achievement standards, for a small sub-set of students with disabilities. This alternate assessment is to be based on modified achievement standards, making the assessment "less difficult" than the states' general grade-level assessments. Although it has been nicknamed a modified assessment, the final regulations make clear that states are not to modify their content standards for purposes of this assessment. It is an "alternate assessment based on modified achievement standards." (Note: this new assessment is distinguishable from the alternate assessment based on alternate achievement standards (e.g., the CAPA), which was designed for up to one percent of students with the most significant cognitive disabilities. That assessment is not necessarily tied to grade-level content standards.)

Characteristics of the modified assessment

Although the federal regulations do not define specifically what this modified assessment must look like, the following are certain characteristics drawn from the regulations that may be enlightening:

- The assessment must be tied to grade-level content standards. It cannot be tied to a grade range. It cannot be based on content standards that have been modified, limited or restricted.
- The assessment will be "easier" than the state's general grade-level test for that content area.
- Although this assessment uses a "modified academic achievement standard" it must include the same general characteristics as the general grade-level assessment: alignment to grade-level content standards, at least three achievement levels (basic, proficient, and advanced), cut scores, and descriptions of the competencies associated with each achievement level.
- The assessment cannot include accommodations or modifications that would render a student's score on the state's general grade-level assessments invalid.

Accountability and Policy Rationale for the Modified Assessment

There are both policy and accountability reasons for the modified assessment. From an accountability standpoint, the modified assessment should improve school and school district ability to meet AYP goals, both overall and for the students with disabilities subgroup. A school or school district can count scores for students with disabilities that score *proficient* or *advanced* on the modified assessment for up to 2% of the total student population tested (approximately 20% of the special education population). This enables a school or school district to include those *proficient* and *advanced* scores for AYP purposes up to the two percent cap, instead of requiring those students to take the general grade-level assessment (e.g., the CSTs), as has been current NCLB requirement. This additional flexibility would enable eligible students with disabilities an alternative path to demonstrating proficiency on grade-level content, instead of the current NCLB requirement that all non-CAPA special education students take (and ultimately score *proficient* on) the CSTs.

In addition to the accountability reason for the modified assessment, from a policy perspective the modified assessment will enable states, for a small sub-set of students with disabilities, to "more accurately evaluate these students' academic progress." The ED's new regulations recognize that there is a small percentage of students with disabilities who are capable of achieving a high level of academic content but may not achieve grade-level proficiency at the same rate as their peers. For this small population of students the federal regulations give states the flexibility to develop an alternate assessment that is aligned to grade-level content standards but is "less difficult" than its general grade-level assessment counterpart.

Defining the student population for the modified assessment

In large part, the federal regulations leave the discretion to the IEP teams, with guidance from their respective states, to determine the eligible student population. Eligible students are "a small group of students with disabilities whose progress in response to appropriate instruction…is such that they are not likely to achieve grade-level proficiency within the school year covered by their IEPs." The federal regulations

make clear that students for whom this test may be appropriate are those who, despite receiving appropriate instruction, including special education and related services designed to address the students' individual needs, are reasonably unlikely to achieve grade-level proficiency within the year covered by the students' IEPs. This group includes students who may take a modified assessment in one year and make such significant progress during the following year that they are given the grade-level CST that year. It is clear that students' specific disability cannot be the criteria by which they are given the modified assessment.

The final federal regulations make clear that the decision as to whether a modified assessment is appropriate for a given student is ultimately made by the a student's IEP team. However, the State Board must develop criteria and guidelines to guide the IEP teams in these decisions. The state-developed criteria for the IEP teams must include the following:

> (1) objective evidence demonstrating that the student's disability has precluded the student from achieving grade-level proficiency. Such evidence may include the student's performance on state assessments or other assessments that can validly document academic achievement.
> (2) The student's progress to date in response to appropriate instruction, including special education and related services designed to address the student's individual needs, is such that, even if significant growth occurs, the IEP team is reasonably certain that the student will not achieve grade-level proficiency within the year covered by the student's IEP. The IEP team must use multiple valid measures of the student's progress over time in making this determination.
> (3) The student's IEP must include goals that are based on the academic content standards for the grade in which the student is enrolled.

One of the state's responsibilities is to develop the criteria and guidance for the IEP teams in such a manner as to ensure that students are not inappropriately held to these less difficult modified achievement standards. IEP team decisions must be based on multiple, objective measures and valid and objective data. For example, students should be given the opportunity to demonstrate performance on the state's general grade-level assessments, and other assessments such as end-of-course assessments, district-wide assessments, classroom or other formative assessments. In all cases, there must be objective data over a sufficient period of time to document a student's lack of progress in response to appropriate instruction on grade-level content standards.

The State Board must develop criteria to guide IEP teams in determining which students take the modified assessment, but this does not necessarily need to be completed prior to approval of the preliminary blueprints.

Timing – Two Additional Years of Flexibility

Since the ED first announced the proposed new modified assessment, it has given states the flexibility to automatically count two percent of their student population

(approximately 20% of their students with disabilities) as *proficient* regardless of how those students actually scored on the state's general grade-level assessment. Because of the delayed release of the final regulations that were just announced on April 4, 2007, the ED has given states two additional years of this flexibility (for 2008 and 2009) while the states' modified assessments are in progress.

The ED has informed us that they will expect states to have operational tests in place by 2010, and states will continue to receive the flexibility as long as they are making progress toward that goal. California has made significant progress already, much more so than some other states.

From a test development perspective, our testing contractor (ETS) had originally proposed to "field test" (trial run) the modified assessment in grades 2-5 this fall. They have informed us that they may not be able to conduct a field test for those grades this fall if the Board does not approve preliminary or draft blueprints at the April Board meeting that will allow them to move forward with test development. However, ETS has informed us that they could instead field test grades 2-5 and grades 6-8 in fall 2008 without hardship, which would be sufficient time to have an operational test in place for those grades in spring 2009. They would focus on field testing the high school grades in the fall of 2009 and plan to have an operational test in place for spring 2010, which would meet the federal deadline for all tests.

In the alternative, if the Board approved preliminary blueprints at the April meeting, ETS would move forward on the development of a field test for grades 2-5 for this coming fall, with the hope of operationalizing those grades in the spring of 2008. Either of these approaches would be sufficient to meet the ED's timeline requirements.

Work on a modified assessment completed to date in California

The CDE staff and our STAR testing contractor (ETS) have begun development work on the California Modified Assessment (CMA). This work was begun in reliance on the preliminary guidance released by the federal government in 2005. ETS has convened assessment review panels on several occasions to begin development of draft blueprints for consideration by the Board. ETS also conducted a pilot study to help inform the test development work.

Key findings from the CMA Pilot

As part of California's preliminary work on the development of the CMA, our STAR testing contractor (ETS) conducted a pilot test in the Fall of 2006 to gather more information about the population of students to be tested and to help determine what test design factors may impact the ability of students with disabilities to access the test.

The following are some of the key results of the pilot test (ETS will present the pilot findings at the April 2007 Board meeting):

1) the length of the passage in the ELA pilot tests had little impact on student performance; however, these passages were not compared to passages of typical length on the ELA CSTs for similar grade levels
2) length of the stem (the "stem" is the actual test question or prompt, not including the answer options) in mathematics and science had little to no impact on student performance
3) use of a calculator in mathematics had little impact on student performance
4) use of three answer options for multiple choice questions instead of four answer options had little impact on student performance when accounting for the difference in chance level
5) reading the passage and stem of a question to students had a strong impact on student performance when compared to requiring the student to read these on his/her own (however, students also performed relatively well when reading the items on their own)
6) use of graphics in mathematics and science may have an effect on student performance (this correlation was not as strong as some of the others).

How does the proposed CMA differ from the CSTs?

As an initial step in the development of the CMA, the CDE, in conjunction with ETS and assessment review panels, has created a draft set of test blueprints and test specifications. These drafts encompass grades 2-5 in English/Language Arts and mathematics and grade 5 in science.

The proposed CMA would differ from the CSTs in the following ways:

1) Reduced number of items per test. Where the CSTs include 60 items for 5th grade science, 65 items for math and 2nd and 3rd grade ELA, and 75 items for 4th and 5th grade ELA, plus field test items per exam for these grade levels, the CMA includes a total of 48 items plus field test items for each of these proposed grades.
2) Reduced reading load. Specifically for the English-language arts exam, the CDE recommends that passage length be reduced to reduce the reading load.
3) Additional testing sessions.
4) Formatting changes. Additional white space, larger font and font size, and one column of test items per page instead of two.
5) Three answer choices instead of four. Each test item is proposed to have three answer choices instead of four.
6) Use of a calculator on the math assessment at grade 5. Calculator use is proposed for those students whose accommodations would permit calculator use.
7) Read aloud of the test question (stem). Students would not be read the passage or the answer choices but would be read the stem of the question.
8) Increased use of graphics for items in science and math.
9) Reduced depth and complexity of items in relation to the grade-level content standards they are designed to assess.

Policy Considerations

Board staff supports the development of the CMA but believes that there are policy decisions regarding CMA development that should be considered by the Board before development of these CMA assessments move forward. Board staff and CDE staff are currently working through a number of the policy considerations. A separate, brief memo will be provided to the Board prior to the April 17, 2007 meeting describing remaining issues and recommended next steps.

SBE Staff Contacts
Gary Borden and Roger Magyar

ITEM #5

CALIFORNIA STATE BOARD OF EDUCATION

APRIL 2007 AGENDA

SUBJECT	☒ Action
U.S. Department of Education Peer Review: including, but not limited to, approval of performance level descriptors	☒ Information
	☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the proposed performance level descriptors (PLDs) (Attachment 5).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

March 2006 SBE Item #8
In March 2006, CDE presented background information regarding the peer review process as well as the need for a request for proposal (RFP) to conduct the work necessary to gain full approval status from the United States Department of Education (ED). CDE indicated a last minute memorandum including the RPF would be provided for SBE action. The last minute memorandum was not heard by the SBE.

April 2006
In April 2006, CDE and SBE submitted evidence for the ED standards and assessment peer review.

May 2006 SBE Item #5
At the May 2006 SBE meeting, the SBE approved a RFP to conduct an independent evaluation of California's assessment system. This RFP invited submissions for an external independent alignment study of California's standards and assessments system and development of performance level descriptors (i.e., achievement descriptors). The purpose of this RFP was to conduct an independent alignment study of California's assessments that are used to calculate Adequate Yearly Progress (AYP) for No Child Left Behind (NCLB) Title I accountability and develop aligned performance level descriptors of the content-based competencies associated with each achievement level.

July 2006, SBE Item #10
In July 2006, CDE provided SBE with an update regarding peer review including California's approval pending status. The ED identified outstanding concerns with the

SUMMARY OF PREVIOUS… (Cont.)

alignment of the California Standards Tests (CSTs) and the California Alternate Performance Assessment to grade level academic content and achievement standards, and with the lack of performance level descriptors for mathematics, English-language arts, and science for the CSTs and the California High School Exit Examination.

September 2006 SBE Item #11 and Item #9
At the September 2006 SBE meeting, the CDE provided an update of the 2006 peer review process conducted by the ED. During the 2006 peer review process, the ED noted that the SBE had not officially approved the achievement standards (i.e., cut scores) for the California High School Exit Exam (CAHSEE). To address this concern, the SBE officially adopted the achievement standards for the CAHSEE at the September 2006 SBE meeting.

November 2006 SBE Item #10
At its November 2006 meeting, the SBE approved the following policy definitions to help guide the development of the performance level descriptors.

- **Advanced.** This category represents a superior performance. Students demonstrate a comprehensive and complex understanding of the knowledge and skills measured by this assessment, at this grade, in this content area.

- **Proficient**. This category represents a solid performance. Students demonstrate a competent and adequate understanding of the knowledge and skills measured by this assessment, at this grade, in this content area.

- **Basic**. This category represents a limited performance. Students demonstrate a partial and rudimentary understanding of the knowledge and skills measured by this assessment, at this grade, in this content area.

- **Far Below / Below Basic.** This category represents a serious lack of performance. Students demonstrate little or a flawed understanding of the knowledge and skills measured by this assessment, at this grade, in this content area.

January 2007 SBE Item #7
At its January 2007 meeting, the CDE provided the SBE with an update on the alignment study and PLD development work that was in progress. CDE also provided the November 2006 bi-monthly report provided to the ED.

March 2007
In March 2007, CDE was notified by ED that California's request for reconsideration was denied. CDE also submitted a SBE item recommending the approval of the proposed PLDs. The item was not heard.

SUMMARY OF KEY ISSUES

The ED is using a peer review process to determine whether states have met No Child Left Behind (NCLB) standards and assessment requirements. The peer review process examines evidence submitted by each state that is intended to show that its assessment system meets NCLB requirements. The Standards and Assessment Division, CDE, assembled the required evidence and submitted it for peer review that took place in May 2006. The ED notified the CDE and the SBE staff of the results in late June. According to the ED, additional evidence is necessary for California to meet statutory and regulatory requirements. The current status of the California Standards and Assessment System is "Approval Pending" – a) mandatory oversight status.

In response, the CDE and the SBE supplied additional evidence to reconsider California's status as well as a plan and timeline to address the issues identified in the peer review. The CDE was notified in March 2007 of ED's denial of California's reconsideration request (Attachment 3). As required by the ED, the CDE submitted the January and March Bi-Monthly Reports to the ED (Attachments 1 and 2).

While the CDE is implementing the plan and timeline submitted to the ED in August, it is important to note that California has not met this timeline. A letter from the ED to the CDE and SBE in June 2006 indicated that

> if, at any time, California does not meet the timeline set forth in its plan, the Department [ED] will initiate proceedings, pursuant to Section 1.111(g)(2) of the ESEA, to withhold 15 percent of California's fiscal year 2006 Title I, Part A administrative funds, which will then revert to local educational agencies in California.

California is scheduled for a second peer review in May 2007. CDE must submit its evidence to be considered at this peer review to the ED by late April 2007.

The CDE contracted with Human Resources Research Organization (HumRRO) to conduct much of the work necessary to meet the plan and timeline submitted to the ED. One of the major project deliverables is the development of aligned PLDs for the academic achievement standards by grade and subject assessed in the California High School Exit Exam (CAHSEE) and the California Standards Tests (CSTs).

The non-regulatory guidance with respect to academic achievement standards provided by the ED defined PLDs (also known as achievement descriptors) as descriptions of the competencies associated with each level of achievement. Achievement descriptors describe what students at each achievement level know and can do. This differs from academic content standards which "must specify what all students are expected to know and be able to do." (*Standards and Assessment Peer Review Guidance, U.S. Department of Education*, April 28, 2004)

SUMMARY OF KEY ISSUES (Cont.)

Given that California already has established standards for both the CAHSEE and the CSTs, HumRRO recommended an empirical approach to develop PLDs. After approval of policy definitions by the SBE in November 2006, CDE and SBE staff met with stakeholders regarding the policy definitions and the PLD development process. The stakeholders, including representatives from the California School Boards Association and the Association of California School Administrators, endorsed the policy definitions and the empirical approach to develop PLDs.

The first step of the PLD development process involved the analysis of data across several test forms to identify items that students at a particular performance level (e.g., proficient) typically answered correctly that students at the next lower performance level (e.g., basic) typically could not answer correctly. The development of these item maps based on actual student performance ensured that the PLDs reflected the standards adopted by the SBE for both CAHSEE and the CSTs. The next step in the process involved the review of the items maps by a panel of experts. CDE and SBE staff approved 33 individuals, consisting of California teachers and curriculum experts, to participate on the panel. These panel members extracted the knowledge and skills required to answer the items correctly. Lastly, Educational Testing Service (ETS) compiled the knowledge and skills identified by the curriculum experts into summaries to further refine the descriptions. Attached is the executive summary of the HumRRO report (Attachment 4) outlining the development of the proposed PLDs and the federal requirements for PLDs as well as California's need for PLDs. The descriptions are organized by grade and content into descriptors at each performance level.

The CDE recommends that the State Board of Education approve the summary level descriptors (Attachment 5) as the performance level descriptors for the CSTs and the CAHSEE. The approved PLDs may then be submitted to the ED as required by the results of California’s peer review. Also, CDE recommends that the PLDs for science grades eight and ten be approved as draft. These PLDs are based on relatively new assessments. CDE recommends that the contract with HumRRO be amended to allow for additional review and adjustment of the grade eight and ten science PLDs when additional item performance data are available.

The CDE and the ETS will continue work on a comprehensive communication plan to ensure educators, parents, policy-makers, and the general public have an understanding of the ability students’ must demonstrate to score at the various performance levels on the CSTs.

FISCAL ANALYSIS (AS APPROPRIATE)

All costs associated with the alignment study and development of performance level descriptors are included in the contract the CDE awarded to HumRRO, for the California Standards and Assessment System Independent Evaluation.

ATTACHMENT(S)

Attachment 1: Bi-Monthly Report California Standards and Assessment System January 2007 (3 Pages)

Attachment 2: Bi-Monthly Report California Standards and Assessment System March 2007 (3 Pages)

Attachment 3: March Letter from United States Department of Education Denying California's Reconsideration Request (2 Pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the State Board of Education office.)

Attachment 4: Development of Performance Level Descriptors for the California Standards Tests (CSTs) and the High School Exit Exam (CAHSEE), Executive Summary (8 Pages)

Attachment 5: Proposed Performance Level Descriptors (33 Pages)

Bi-Monthly Report

California Standards and Assessment System

January 2007

2.0 Academic Achievement Standards

1. Performance level descriptors (PLDs) that differentiate among three levels of proficiency for mathematics, English-language arts, and science.
    a. August – September 2006 (**Task completed.**) - The State Board of Education (SBE) adopted policy level definitions at its November 7, 2006, meeting. (See attached policy level definitions in the November SBE Item.)
    b. September – November 2006 (**Task completed.**) - The current test contractor for the California Standards Tests (CSTs) has provided item maps and exemplars to the PLD contractor for use in the PLD development.
    c. November – December 2006 – (**Task completed.**) The PLD contractor conducted workshops in late-November and early-December to draft PLD.
    d. March 2007 - The California Department of Education (CDE) is on target to submit PLDs to the SBE for adoption in March 2007.
2. Official SBE adoption of the achievement standards for the California High School Exit Examination (CAHSEE)
    a. September 2006 (**Task completed.**) – The achievement standards were formally adopted by the SBE at its September 6, 2006, meeting.

5.0 Alignment

1. An external, impartial alignment study of the CSTs and the California Alternate Performance Assessment (CAPA) to academic content and achievement standards.
    a. August 2006 (**Task completed.**) – The CDE released a Request for Proposals (RFP) with the following components
        i. An external impartial alignment study of the CST and the CAPA
        ii. Procedures for ongoing monitoring of assessment system
        iii. Development of PLDs that differentiate among three levels of proficiency for mathematics, English-language arts, and science
    b. October 2006 (**Task completed.**) – CDE finalized the contract with Human Resources Research Organization (HumRRO) (start date of October 27, 2006) for the alignment study and PLD development.
    c. Contract deliverables outlined in the HumRRO contract:
        i. February 2007 – Final version of the alignment study

ii. February 2007 – Plan for ongoing monitoring of alignment

iii. December 2006 – (**Task completed.**) Draft PLDs were delivered to CDE

2. A plan that addresses the gaps identified by the alignment study (including the External Evaluation of the CAHSEE)

    a. CAHSEE

        i. Ongoing beginning September 2005, CDE and Educational Testing Services (ETS) discussed results of the CAHSEE alignment study.

        ii. November 2006 – (**Task completed.**) CDE and ETS finalized a plan to address depth-of-knowledge gaps identified by the CAHSEE independent evaluator. In general, the plan involves transitioning from the use of Bloom's Taxonomy to the use of Webb's depth-of-knowledge rating and integrating that information in the item development and review process.

            1. Amend item specifications to transition to Webb's depth-of-knowledge.
            2. Train item developers and item content review panels on the assignment of depth-of-knowledge ratings.
            3. Assign depth-of-knowledge ratings to new CAHSEE items prior to CDE and external reviews.
            4. CAHSEE item content review panels will review depth-of-knowledge ratings.
            5. Following item content reviews, ETS will report the distribution of depth-of-knowledge ratings of the approved items by content strand.
            6. ETS and CDE will consider the availability of items by depth-of-knowledge rating and content strand when developing future item development plans to ensure sufficient coverage of higher-level items.
            7. Store depth-of-knowledge ratings in the CAHSEE item bank.

    b. CST and CAPA

        i. February 2007 – The CDE is on target to have the alignment study complete by February 2007.

        ii. March 2007 - The CDE is on target to provide a plan to address any gaps identified in the CST/CAPA alignment study in the March 2007 bi-monthly report.

3. Procedure to review and maintain alignment of the assessment system

        i. February 2007 – CDE is on target to have the CST/CAPA alignment report containing a plan for the ongoing review and

maintenance of the alignment of the assessment system delivered in February 2007.

ii. May 2007 – CDE is on target to provide a plan for the ongoing review and maintenance of the alignment of the assessment system by May 2007.

iii. *Education Code* Section 60855 requires a multiyear independent evaluation of the CAHSEE, including regular biennial reports by February 1 of even-numbered years. The current contract for this work expires in December 2007. CDE is scheduled to release a RFP to continue this work in the summer of 2007. The contractor for these reports will be required to conduct and report on an alignment study. Results of these studies will be provided on an ongoing basis to the test contractor for item development and to the technical advisory group (TAG) and item review panel for monitoring.

Bi-Monthly Report

California Standards and Assessment System

March 2007

2.0 Academic Achievement Standards

3. Performance level descriptors (PLDs) that differentiate among three levels of proficiency for mathematics, English-language arts, and science.
    a. August – September 2006 (**Task completed.**) - The State Board of Education (SBE) adopted policy level definitions at its November 7, 2006, meeting.
    b. September – November 2006 (**Task completed.**) - The current test contractor for the California Standards Tests (CSTs) has provided item maps and exemplars to the PLD contractor for use in the PLD development.
    c. November – December 2006 – (**Task completed.**) The PLD contractor conducted workshops in late-November and early-December to draft PLD.
    d. March 2007 – Attached is a copy of the report titled: *Development of Performance Level Descriptors for the California Standards Tests and the California High School Exit Examination*. This report is considered draft until the PLDs are adopted by the SBE.
        i. The SBE is scheduled to adopt PLDs prior to California's next peer review which is scheduled for May 2007.
4. Official SBE adoption of the achievement standards for the California High School Exit Examination (CAHSEE)
    a. September 2006 (**Task completed.**) – The achievement standards were formally adopted by the SBE at its September 6, 2006, meeting.

5.0 Alignment

4. An external, impartial alignment study of the CSTs and the California Alternate Performance Assessment (CAPA) to academic content and achievement standards.
    a. August 2006 (**Task completed.**) – The CDE released a Request for Proposals (RFP) with the following components
        i. An external impartial alignment study of the CST and the CAPA
        ii. Procedures for ongoing monitoring of assessment system
        iii. Development of PLDs that differentiate among three levels of proficiency for mathematics, English-language arts, and science

b. October 2006 (**Task completed.**) – CDE finalized the contract with Human Resources Research Organization (HumRRO) for the alignment study and PLD development.

c. Contract deliverables outlined in the HumRRO contract:

i. February 2007 – Draft version of the alignment study of the CST and the CAPA was delivered to CDE in February 2007.

1. Final version of the alignment study of the CST and the CAPA scheduled to be delivered in April 2007.

ii. February 2007 – Ongoing beginning February 2007, CDE began discussions with the SBE, Educational Testing Services (ETS), and California's technical advisory group regarding the draft findings of the CST and CAPA alignment study.

1. Final plan for ongoing monitoring of alignment will be completed in April 2007.

iii. December 2006 – (**Task completed.**) Draft PLDs were delivered to CDE

5. A plan that addresses the gaps identified by the alignment study (including the External Evaluation of the CAHSEE)

a. CAHSEE

i. Ongoing beginning September 2005, CDE and ETS discussed results of the CAHSEE alignment study.

ii. November 2006 – (**Task completed.**) CDE and ETS finalized a plan to address depth-of-knowledge gaps identified by the CAHSEE independent evaluator. In general, the plan involves transitioning from the use of Bloom's Taxonomy to the use of Webb's depth-of-knowledge rating and integrating that information in the item development and review process.

1. Amend item specifications to transition to Webb's depth-of-knowledge.

2. Train item developers and item content review panels on the assignment of depth-of-knowledge ratings.

3. Assign depth-of-knowledge ratings to new CAHSEE items prior to CDE and external reviews.

4. CAHSEE item content review panels will review depth-of-knowledge ratings.

5. Following item content reviews, ETS will report the distribution of depth-of-knowledge ratings of the approved items by content strand.

6. ETS and CDE will consider the availability of items by depth-of-knowledge rating and content strand when developing

future item development plans to ensure sufficient coverage of higher-level items.

7. Store depth-of-knowledge ratings in the CAHSEE item bank.

b. CST and CAPA

i. February 2007 – Draft version of the CST and the CAPA alignment study was delivered to CDE in February 2007.

1. Final version of the CST and the CAPA alignment study scheduled to be complete in April 2007.

ii. March 2007 - Ongoing beginning February 2007, CDE began discussions with the SBE, ETS, and California's technical advisory group regarding the draft findings of the alignment study and ways to address any gaps identified in the draft study.

1. A final plan to address any gaps identified in the CST and the CAPA alignment study will be included in the material for California's next peer review which is scheduled for May 2007.

6. Procedure to review and maintain alignment of the assessment system

i. February 2007 – Ongoing beginning February 2007, CDE began discussions with the SBE, ETS, and California's technical advisory group regarding the draft findings of the alignment study and ways to review and maintain alignment of the assessment system.

1. A final plan to review and maintain the alignment of the CST and the CAPA will be included in the material for California's next peer review which is scheduled for May 2007.

ii. May 2007 – CDE is on target to provide a plan for the ongoing review and maintenance of the alignment of the assessment system by May 2007.

iii. *Education Code* Section 60855 requires a multiyear independent evaluation of the CAHSEE, including regular biennial reports by February 1 of even-numbered years. The current contract for this work expires in December 2007. CDE is scheduled to release a RFP to continue this work in the summer of 2007. The contractor for these reports will be required to conduct and report on an alignment study. Results of these studies will be provided on an ongoing basis to the test contractor for item development and to the technical advisory group (TAG) and item review panel for monitoring.

HumRRO
Human Resources Research Organization

Development of Performance Level Descriptors for the California Standards Tests (CSTs) and High School Exit Exam (CAHSEE)

Lauress L. Wise
Leslie R. Taylor
D. E. (Sunny) Becker
Felicia Gladden
Kristina Handy
Arthur Thacker
Sheila Schultz
Shannon Willison
Jennifer Dean

Prepared for: **California Department of Education**
Sacramento, CA
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Executive Summary

California has long been a leader in using explicit standards for student achievement to improve and reform K–12 educational programs throughout the state. The project described in this report is the latest step in its long history of work to clarify what students should know and be able to do in different subjects after completing each grade. The development and adoption of the California Achievement Standards by the State Board of Education (SBE) provided the foundation for continuing standards-based reform in California. The current project builds on these standards by describing the levels and sequence of mastery of specific standards as students move from basic competency in a subject to proficiency and, in many cases, to a more advanced level of mastery of the subject.

In Fall 2006, the California Department of Education (CDE), with advice and consent from the SBE, issued a request for proposals for an independent evaluation of the California Standards and Assessment System. The Human Resources Research Organization (HumRRO) was awarded a contract to conduct this evaluation and work began on October 27, 2006. The evaluation included two main activities. The first activity, an independent review of the alignment of the assessments used for school and district accountability with the California Achievement Standards, is reported separately. This report covers the second activity, the development of descriptions for different levels of performance on each of the assessments. In the technical literature and throughout the remainder of this report, the descriptions are referred to as performance level descriptors or PLDs.

California's Need for Independent Development of PLDs

The use of achievement levels to summarize student performance on California's assessment have been in place for some time. The California *Education Code*, Section 60605.5 states:

> **"On or before November 15, 2001, the State board of Education shall adopt a performance standards system that includes the following components:**
>
> **Performance levels**
> **Performance level descriptors**
> **Test administration data from the applicable SBE adopted tests**
> **Exemplars of pupil performance that exemplify the content and performance standards**
> **The SBE shall ensure that the performance standards system is aligned to the state's academically rigorous content standards**

The initial descriptions of the performance levels established by the SBE in response to this requirement were relatively generic. The same descriptions were used for all grades and subjects. The need for new and more specific performance level descriptors has been prompted, in part, by provisions of the No Child Left Behind Act (NCLB). NCLB has had a very significant impact on state departments of education. States have been required to modify and significantly expand their assessment and accountability systems to meet the provisions of NCLB. The United States Department of Education (USED), in implementing NCLB, has required states to submit extensive documentation of their systems to a peer review process. The technical adequacy of each state's systems is reviewed by a panel of experts and then officials in USED reach an overall decision as to whether the state's system meets NCLB requirements.

On March 10, 2003, USED provided non-regulatory guidance with respect to academic achievement standards. This guidance stated:

> **Academic achievement standards should be conceptualized as a system that includes the following components:**
>
> - **Achievement levels — Labels for the levels of student achievement that convey the degree of student achievement in a given content area. Each achievement level encompasses a range of student achievement.**
> - **Achievement descriptors — Descriptions of the competencies associated with each level of achievement. Achievement descriptors describe what students at each achievement level know and can do.**
> - **Exemplars — Examples of student work that illustrate the range of achievement in a content area within each achievement level.**
> - **Cut-scores — Scores on an assessment that separate one level of achievement** from another.

The NCLB requirements in this area were further detailed as USED provided guidance to states on preparing documentation of their accountability systems for peer review. Guidance dated April 28, 2004 stated:

> **"For each achievement level, a State must provide descriptions of the competencies associated with that achievement level and must determine the assessment scores (cut-scores) that differentiate among the achievement levels. The State must also provide a descriptor of the rationale and procedures used to determine each achievement level. Unlike content standards, which may address a**

cluster of grade levels, academic achievement standards must be developed for each grade and subject assessed, even if the State's academic content standards cover more than one grade."

While most of California's assessment and accountability system did meet NCLB requirements, some further documentation has been required by USED before full approval is granted. The independent evaluation addresses two of the pending needs for documentation by: (a) providing an independent evaluation of the alignment of the required assessments to the state's content and performance standards for academic achievement and (b) developing descriptors of the knowledge and skills needed to reach each level of performance (performance level descriptors or PLDs) on each of the required assessments. Results from a new alignment study to meet the first requirement are reported separately (Taylor, et al., 2007).

How the Proposed PLDs Were Developed

Descriptors of the knowledge and skills associated with different performance or achievement levels have sometimes been used proscriptively, as a step in developing performance standards defined by minimum cut-scores on each assessment. In this case, the performance level descriptors reflect consensus judgments about what students *should know* and be able to do. In the present case, performance standards have already been established for each of California's assessments. There was neither a need nor an intention to reset the performance standards. The performance level descriptors developed here are ***empirically based*** descriptions of what students at each performance level *do know* and what they are able to do. The process used here was necessarily different from the case where descriptors are based only on expert judgments. The use of empirical data to identify test questions that students at each level answer correctly provides important evidence in support of the validity of the resulting descriptors. This evidence demonstrates that students at a particular level actually do possess the skills included in the corresponding descriptor.

HumRRO developed proposed PLDs for each of the 28 assessments shown in Table 1. For each assessment, we worked with the test developer to identify test questions (items) that indicated what students at each performance level know and can do. The resulting item maps were used by panels of teachers and other content experts to develop descriptions of the knowledge and skills required to answer the items at each performance level. After the development workshops, the initial descriptors were edited, reviewed and revised. Each of these steps is described briefly here and in more detail in Chapter 2 of this report.

Item Maps

Educational Testing Service (ETS), the test developer for the CDE, analyzed data from the operational California Standards Test (CST) forms used from 2003 through 2006 to identify all of the candidate items for the item maps. The one exception was the science assessment which is relatively new. For the 8th and 10th grade science assessments, only the 2006 test form was available. For the California High School Exit Examination (CAHSEE), several different forms are used each year, so we did not need to go back as far to include items from at least four operational test forms. This was fortunate, because the blueprints for the CAHSEE changed in 2004 and results from prior administrations would not be comparable. Also, the CAHSEE response rates were based on the census testing of 10th graders. Eleventh and twelfth grade students retaking the CAHSEE were excluded from the computations.

Table ES-1. Subjects and Grades for Performance Level Descriptors

Subject	Grades	Total Number of Tests
English-language Arts (ELA)	2–8, 10 (CAHSEE)*	8
Mathematics	2–7, 10 (CAHSEE) * plus 7 end-of-course tests	14
Science	5, 8, 10	3
History-Social Science	8, 10, 11	3
Total Grade-Subject Combinations		28

* Note: The CSTs are used for all of the grades and courses referenced except for the two 10th grade tests. The CAHSEE, administered to all 10th grade students, is used for high school accountability and is administratively separate from the CSTs.

For each item, ETS computed the percent of students at each achievement level who answered the item correctly. Items were selected to illustrate what students at a performance level could do if most (at least two-thirds) of the students at that level could answer the item correctly **and** the majority of students at the next lower level could not answer the item correctly. Items were not included in the item maps if they did not differentiate between adjacent performance levels or, in a few cases, if less than two-thirds of the students at the advanced level could not answer correctly.

HumRRO selected a sample of the mapped items to use in the PLD workshops. In general, we tried to select four items from each reporting category at each performance level. Most tests had four or five reporting categories leading to 16 to 20 items per performance level. In some cases, particularly at the below

basic level of performance and for the 8th and 10th grade science tests, the total number of items identified by ETS was less than the target for sampling. In these cases, we took all of the available items for the performance level.

Panelists

CDE sent letters to each California school district requesting nominations for teachers and other curriculum experts to participate in the panels. CDE and SBE staff reviewed nominations and HumRRO selected samples of the remaining nominees for each subject. Insofar as possible, panelists were selected to represent the geographic and demographic distribution of teachers in the target subjects, although experience in the target subject was more important than exact demographic representation. Selected experts were invited to participate in the alignment workshop for their subject. Approximately half of the selected experts were also invited to participate in the PLD development workshop that followed immediately after each of the test alignment workshops. Table 2 shows the number of panelists participating in the PLD workshops for each subject. Years of teaching experience in the target subject for the panelists selected ranged from a minimum of 3 up to 32, with a median of 16.4. Additional information on the participating panelists is provided in the body of the report.

Table ES-2. Number of Panelists per Content Area and Grade Range Participating in the PLD Workshops

Content Area and Grade Range	Number of Panelists
ELA — Grades 2–5	5
ELA — Grades 6–8 and CAHSEE	5
Math — Grades 2–through 4	4
Math — Grades 5–7	4
Math — End of Course Tests (Grade 8)	3
Math — Integrated I, II, III and CAHSEE	3
Science — Grades 5, 8, 10	6
History/Social Science — Grades 8, 10, 12	3
Total Panelists	33

Workshop Procedures

Panelists were provided with an overview of the goals and procedures for the workshop. A copy of the overview slides is included as Appendix C to this report. Following the overview, the panelists began by reviewing the items mapped to the Proficient level in one reporting category (e.g., reading

comprehension for ELA or number sense for mathematics) in a particular grade or course. They developed a consensus list of the knowledge and skills required to answer these items correctly. The panelists then proceeded to develop similar lists for items mapped to the Basic level, the Below Basic level and then the Advanced level within that same reporting category. The panelists then discussed how the knowledge and skill lists varied across performance level and considered ways of showing progression across levels in terms of frequency, consistency, or cognitive skill levels.

In some cases, the panels developed descriptors for each grade within a single reporting category before moving to the next category. For the end-of-course tests and also the history and science tests, the reporting categories were different for the different assessments. In these cases, the panels completed knowledge and skill lists for all of the reporting categories for a single test before moving to the next test. Having each panel work on assessments for several grades or courses increased the consistency of descriptions across the assessments within a subject.

Editing and Revision

HumRRO and its subcontractor, the test developer ETS, edited and summarized the descriptors developed by the panel of experts. A summary statement was added for each performance level, incorporating examples of the skills identified in each reporting category. The edited descriptors were further revised based on feedback from content experts at CDE. Finally, the original panels reviewed the revised draft, indicated their acceptance of them, and, in a few cases, provided suggestions for further refinements.

What's Next for the PLDs

The complete set of performance level descriptors is provided in Appendix A to this report. In order to satisfy NCLB requirements, the State Board of Education must adopt some version of these descriptors at its March 2007 meeting. California then has several options for deciding how the PLDs will be used.

HumRRO believes that the current descriptors provide detailed, empirically based information about what students at each performance level know and can do. These descriptors were developed, for the most part, by California teachers, and teachers are the most appropriate audience for this information. It is critical, however, that teachers understand that the skills listed are only *examples* of what students at each level need to know and be able to do and not a comprehensive list. Teachers must be referred back to the California Content Standards for a complete description of the skills covered by each assessment.

The summary statements for each performance level also provide a starting point for developing a briefer set of exemplar skills for each performance level that can be used in reporting test results to students and their parents. Parents and students interested in more detailed information should be referred to the California Content Standards.

Proposed Performance Level Descriptors

Descriptions for Grade 2 English-language Arts (ELA) Performance Levels

Advanced

Students in grade two at the **advanced** level read with full understanding a variety of grade-appropriate texts. They understand complex written directions, infer main ideas, understand characterization, and synthesize information from a chart with information in a text. Advanced second grade students also possess a variety of foundational English language skills, including determining the meaning of multiple-meaning words, dividing words into syllables, spelling, and use of complete sentences. Advanced students also understand the concept of topic sentences and the use of details to develop ideas.

Proficient

Students in grade two at the **proficient** level read with understanding a variety of grade-appropriate texts. They determine main ideas, cause and effect relationships, and purpose in informational texts, and they understand basic aspects of characterization in literary texts. Proficient students demonstrate a good grasp of many foundational English language skills: they recognize the meaning of compound words, understand basic letter-sound correspondences, know common suffixes, and determine the meaning of frequently occurring multiple-meaning words. Proficient second grade students know common punctuation and capitalization rules and can identify incomplete sentences. They also understand the main focus of a paragraph and can add appropriate details to develop ideas.

Basic

Students in grade two at the **basic** level read grade-appropriate texts with some understanding and recognize explicit information, including main ideas and cause and effect, within texts. They recall relevant details explicitly stated in informational text and can identify the setting of a literary text. Students at the basic level show evidence of emerging skills in the English language: they know some common letter-sound correspondences, rhymes, prefixes, abbreviations, and rules for spelling, punctuation, and capitalization. They also may understand the purpose of common reference tools such as atlases and dictionaries.

Below Basic

Students in grade two at the **below basic** level may read grade-appropriate texts with some understanding and recognize explicit information, including recalling details or main events. They demonstrate an understanding of simple English language skills, including recognizing common abbreviations, forming regular plurals, and using apostrophes in contractions.

Descriptions for Grade 3 ELA Performance Levels

Advanced

Students in grade three at the **advanced** level can read and fully understand grade-appropriate informational and literary texts. They can also analyze aspects of the text as a whole, such as identifying the genre of the text and making logical predictions based on information within the text. They use text clues to infer the traits of fictional characters. Advanced students have an excellent grasp of foundational English language skills, including knowledge of vocabulary, punctuation, subject-verb agreement, and sentence structure.

Proficient

Students in grade three at the **proficient** level read and understand grade-appropriate informational and literary texts. They respond accurately to questions based on literal information in the text; they use text features to locate information; they understand the main events of the plot, and they use text clues to determine character traits. Proficient students also have a good grasp of foundational English language skills, including knowledge of word families, grade-level vocabulary, and common suffixes. They also understand the fundamentals of punctuation and sentence and paragraph structure.

Basic

Students in grade three at the **basic** level understand explicit aspects of grade-appropriate informational and literary text. They comprehend written directions and use details from the text to answer literal questions. They can identify the main problem and its solution in basic narrative texts and differentiate between reality and fantasy. Students at the basic level show evidence of emerging language skills: they know simple suffixes, understand many homophones, identify complete sentences, identify compound words, and know a variety of spelling and capitalization rules.

Below Basic

Students in grade three at the **below basic** level understand simple grade-appropriate literary and informational texts. They follow explicit written directions, recognize sequential steps, identify explicitly stated main events in a plot, and identify character traits based on clear text clues. They demonstrate a limited set of English language skills. The English language skills of students at this level include identifying rhymes, recognizing some antonyms, using context clues to determine the meaning of common words, using verb tenses correctly, and using simple spelling and capitalization rules.

Descriptions for Grade 4 ELA Performance Levels

Advanced

Students in grade four at the **advanced** level demonstrate excellent comprehension of implicit and explicit features of grade-appropriate texts. They synthesize information within and across texts, infer the author's purpose in informational text, and distinguish cause and effect. Advanced students also possess a wide variety of English language skills, including using context to determine shades of meaning, understanding figurative language, identifying topic sentences, improving text by adding appropriate details, and using correct punctuation in less common situations.

Proficient

Students in grade four at the **proficient** level demonstrate a good understanding of implicit and explicit features of grade-appropriate texts. They follow written instructions, compare information within and across texts, identify the main events of a plot, and understand character. Proficient students also demonstrate knowledge of synonyms and multiple-meaning words, audience and purpose for writing, use of details to develop ideas, and a variety of spelling, punctuation, and capitalization rules.

Basic

Students in grade four at the **basic** level demonstrate understanding of explicit features of grade-appropriate text, such as recalling key details, contrasting information within and across texts, and comparing characters in different texts. Basic students also draw conclusions regarding implicit features of texts: they distinguish between reality and fantasy, and they predict content based on the title. Language skills demonstrated by basic students include using root words, identifying synonyms for words in context, determining the purpose for writing, and using simple written conventions.

Below Basic

Students in grade four at the **below basic** level demonstrate an understanding of some explicitly stated aspects of grade-appropriate texts, including the topic of the text. The English language skills of below basic students include such abilities as identifying the meaning of frequently occurring words in context and recognizing the correct use of apostrophes in contractions.

Descriptions for Grade 5 ELA Performance Levels

Advanced

Students in grade five at the **advanced** level comprehend a wide variety of grade-appropriate literary and informational texts. They demonstrate a full understanding of the essential message of texts, draw accurate inferences, and make connections among related ideas. Advanced students also have excellent English language skills as appropriate to grade five. They demonstrate an understanding of word origins, affixes, precise use of words, and less common grammatical conventions, and they show an understanding of organizational structure in essays.

Proficient

Students in grade five at the **proficient** level demonstrate a good understanding of grade-appropriate literary and informational texts. They grasp key ideas, including main ideas, theme, character traits, elements of plot, and purpose of text features. Proficient students also have grade-appropriate English language skills, including knowledge of synonyms, antonyms, and root words. They demonstrate an understanding of common grammatical conventions, sentence structure, and revisions to sentences for clarity and style.

Basic

Students in grade five at the **basic** level comprehend simple aspects of grade-appropriate literary and informational texts. They demonstrate an understanding of explicit aspects of texts, including the steps in a process and the stated author's purpose. The English language skills of students at this level include identifying synonyms using context, recognizing simple grammatical and punctuation conventions, and identifying appropriate topic and concluding sentences.

Below Basic

Students in grade five at the **below basic** level comprehend simple aspects of grade-appropriate literary and informational texts. They demonstrate an understanding of explicitly stated aspects of texts, such as the major topic or problem. The English language skills of students at this level include determining the meaning of multiple-meaning words from context, and recognizing simple punctuation and spelling conventions.

Descriptions for Grade 6 ELA Performance Levels

Advanced

Students in grade six at the **advanced** level use a variety of critical thinking skills to understand and analyze grade-appropriate literary and informational texts. They draw connections among ideas, analyze the author's support for an idea, evaluate the use of rhetorical and poetic devices, determine the underlying organization of texts, and evaluate the intended effect of information on the reader. Students at the advanced level also demonstrate strong English language skills, including using the context to determine the meaning of unfamiliar words, understanding shades of word meaning, determining kinds of figurative language, and combining sentences effectively.

Proficient

Students in grade six at the **proficient** level demonstrate understanding of the essential message of grade-appropriate literary and informational texts. They identify and connect main ideas to related topics, apply information gained from reading to other contexts, and summarize support for a conclusion. They also demonstrate understanding of key aspects of literary texts, including literary genres and their characteristics, setting, point of view, and theme. Students at the proficient level also possess important English language skills, including using context to determine the meaning of words, identifying the meaning of foreign words used frequently in English, using the concepts of coordination and subordination, identifying appropriate support to develop an idea, and applying common rules of written English conventions.

Basic

Students in grade six at the **basic** level demonstrate understanding of some aspects of grade-appropriate literary and informational texts. They may identify main ideas, identify support for an author's conclusion, determine the difference between fact and opinion or fantasy, identify the speaker, determine genres, and recognize literary devices. Students at the basic level demonstrate English language skills such as using explicit context clues to determine meaning, finding correct transitions between paragraphs, and applying simple rules for punctuation, spelling, and capitalization.

Below Basic

Students in grade six at the **below basic** level demonstrate limited understanding of grade-appropriate literary and informational texts. They may identify explicitly stated main ideas, recognize the difference between fact and opinion or fantasy, identify the speaker, recognize genres, and recognize literary devices. Students at this level demonstrate English language skills such as using explicit context clues to determine the meaning of common words and applying basic punctuation, spelling, and capitalization rules.

Descriptions for Grade 7 ELA Performance Levels

Advanced

Students in grade seven at the **advanced** level use their understanding of literary and informational texts to analyze relationships in the text, synthesize ideas, and draw logical conclusions. Advanced students draw on an excellent foundation of English language skills in both reading and writing: they use context clues to define unfamiliar words, use appropriate sentence structures, make correct connections between paragraphs, and apply complex punctuation rules.

Proficient

Students in grade seven at the **proficient** level demonstrate their understanding of literary and informational texts by identifying organization and purpose, determining the support for an argument, and analyzing such characteristics of literary text as point of view, plot, and theme. Proficient students know and use a variety of English language skills, including using context to determine meaning, identifying details that support an argument, placing modifiers correctly, and using words precisely.

Basic

Students in grade seven at the **basic** level demonstrate a limited understanding of literary and informational texts, but they are able to identify some organizational structures, determine explicitly stated cause and effect, recognize some support for an argument, and identify characteristics of literary text such as the main events of a plot, the identity of the speaker, and genre. Students at this level demonstrate a grasp of simple English language skills, including using explicit context clues to find the meaning of common words, identifying root words, and applying common rules of grammar and punctuation.

Below Basic

Students in grade seven at the **below basic** level demonstrate some understanding of literary and informational texts. They may recognize the organization and purpose of informational materials, identify explicit cause and effect relationships, recognize character traits, and identify events of a plot. Students at this level have limited English language skills, but they may know the meaning of common idioms, identify misspelled words, recognize correct use of simple punctuation, and correctly link ideas within a sentence.

Descriptions for Grade 8 ELA Performance Levels

Advanced

Students in grade eight at the **advanced** level consistently grasp the essential message of literary and informational texts and also analyze features of the text as a whole. They infer main ideas and underlying themes, understand the structure of both informational and literary texts, analyze literary elements, and synthesize ideas within and between texts. Advanced students also possess an excellent command of English language skills: they develop thesis statements, use sophisticated sentence structures, and apply complex rules of written conventions.

Proficient

Students in grade eight at the **proficient** level demonstrate a good understanding of literary and informational texts. They understand the organization and structure of various texts, determine main ideas, summarize information, and understand key literary elements such as characterization, plot, and theme. The English language skills of proficient students include an understanding of word origins, sentence structure, and the relationships among ideas in a written composition.

Basic

Students in grade eight at the **basic** level demonstrate a limited understanding of literary and informational texts: they identify explicitly stated main ideas, recognize appropriate summaries, identify the main events of the plot, and understand aspects of characterization. The English language skills of students at this level include using context to find the meaning of multiple-meaning words, identifying misspelled words, applying basic grammar rules, and identifying support for general statements.

Below Basic

Students in grade eight at the **below basic** level demonstrate little understanding of the essential meaning of literary and informational texts, but they may identify explicitly stated main ideas and the main events of a plot, understand the general organization of a text, and recognize character traits. The English language skills of students at this level may include knowledge of root words and simple grammar rules. Students also may identify an appropriate word choice and link ideas within sentences and between paragraphs.

Descriptions for Grade 10 ELA Performance Levels

Advanced

Students in grade ten at the **advanced** level comprehend explicit and implicit aspects of grade-appropriate text. They read informational and literary text with full understanding, evaluating the structure, the author's intent, the development of time and sequence, and the intended effect of literary devices. Advanced students demonstrate a full command of written English conventions and important writing strategies. They understand figurative language, use parallel structure and active voice, and use thesis statements and conclusions to unify writing.

Proficient

Students in grade ten at the **proficient** level demonstrate a good understanding of explicit and implicit aspects of grade-appropriate text. They understand the organization, structure, and purpose of informational text. When reading literary text, they analyze genre, plot, theme, and characterization. Proficient students have a wide variety of English language skills, including using context to define unfamiliar words, identifying appropriate support for ideas, using active voice, and applying rules for the conventions of standard written English.

Basic

Students in grade ten at the **basic** level demonstrate understanding of explicit aspects of grade-appropriate text. In informational text, they identify the stated purpose and use text features to understand the organization. They may identify the support an author provides for the main argument. In literary text, they identify the structural characteristics of dramatic forms, identify the speaker, and compare the motivations and reactions of characters. Students at this level demonstrate a limited command of English language skills, but they may use context clues to determine the meaning of common words, understand common word derivations, identify appropriate revisions to text, and identify common examples of correct written English.

Below Basic

Students in grade ten at the **below basic** level may demonstrate understanding of explicit aspects of grade-appropriate text, including text structure and purpose, speaker, character traits, and theme. In addition, students at this level can identify the literal and figurative meaning of common words, recognize the precise use of words, select an appropriate topic sentence, and identify examples of correct written English.

Descriptions for Grade 8 History Performance Levels

Advanced

Students in grade eight at the **advanced** level demonstrate an understanding of complex social studies concepts, including cultural and political connections between the past and the present, the impact of geography on human development, and the relationship between past cultures and modern cultures. Advanced students demonstrate thorough knowledge of historical information, including important events and ideas, and the ideas and political concepts used to justify the structures of past societies at various times. Advanced students show analytical skills through their ability to synthesize ideas and information, seeing the connections between events and ideas, and the impact of ideas and beliefs on historical events. They are able to analyze primary sources and show a mastery of period vocabulary.

Proficient

Students in grade eight at the **proficient** level demonstrate an ability to understand social studies concepts, including the influence of the past on the present, human responses to geography, and the relationship between past cultures and modern cultures. Proficient students demonstrate a knowledge of historical information including important events and ideas, as well as descriptive knowledge of the structures of past societies at various times. They recognize connections between the past and present, and the relationships between ideas and past events. Proficient students are able to read and understand primary sources and are able to understand period vocabulary.

Basic

Students in grade eight at the **basic** level are able to recognize the features of cultures in the past and are able to identify geographic relationships and cultural interactions. Basic students demonstrate the ability to recall major events from the past and recognize the effects of past events. They recall key figures from historical eras, and recognize historical comparisons. Basic students are able to recognize names of historic cultures and commonly used period vocabulary.

Below Basic

Students in grade eight at the **below basic** level may recognize features of cultures in the past. They may recall major events from the past. Below basic students may recognize key figures from the past. They may recall commonly used period vocabulary.

Descriptions for Grade 10 History Performance Levels

Advanced

Students in grade ten at the **advanced** level evaluate and analyze broader themes of historical continuity and change. They evaluate the motivations of major figures in history and analyze historical, political, and geographic consequences of decisions. Advanced students describe the significance of world leaders and analyze the causes and consequences of major past events. They evaluate the impact of major political ideas such as democracy and constitutional government, and relate these ideas to their ancient origins.

Proficient

Students in grade ten at the **proficient** level describe and understand historical relationships. They understand the effects of major events and transformations in history. Proficient students understand the significance of decisions made by world leaders and describe the causes and consequences of major past events. They understand the impact of major political ideas such as democracy and constitutional government, and they describe the evolution of these ideas in different contexts.

Basic

Students in grade ten at the **basic** level recognize the outcomes and consequences of historical change. They can recall the names and actions of major figures in history and can recognize major past events. They recognize the ideas and vocabulary of major political ideas such as democracy and they recognize these ideas in different contexts.

Below Basic

Students in grade ten at the **below basic** level rarely recognize the outcomes and consequences of historical change. They sometimes recognize the names of major figures in history and major past events. They sometimes recognize the ideas and vocabulary of major political ideas such as democracy and recall these ideas in different contexts.

Descriptions for Grade 11 History Performance Levels

Advanced

Students in grade eleven at the **advanced** level demonstrate the ability to evaluate the effects of past domestic and foreign policy programs of the United States, and to analyze the intentions of key figures from the past. They assess policy changes and their impact. Advanced students analyze literary and artistic developments in response to economic and cultural change. Advanced students evaluate public attitudes and analyze resulting social changes. They analyze the motivations of key figures from the past and evaluate the effects of policy and ideological points of view.

Proficient

Students in grade eleven at the **proficient** level understand the effects of past domestic and foreign policy programs of the United States and describe the intents of key figures from the past. They describe policy changes and their impact. Proficient students describe literary and artistic developments in response to economic and cultural change. They describe public attitudes and understand resulting social changes. They understand the motivations of key figures from the past and describe their ideological points of view.

Basic

Students in grade eleven at the **basic** level recognize the effects of economic and political change, and recall key figures from the past. They recognize themes in literary and artistic developments. Basic students recall public attitudes and recognize their implications. They recall major issues from the past and recognize differing points of view.

Below Basic

Students in grade eleven at the **below basic** level may recognize patterns of economic and political change. They may recall major themes from the past. Below basic students may recall key figures and recognize major issues from the past.

Descriptions for Grade 2 Mathematics Performance Levels

Advanced

Students in grade two at the **advanced** level have a full understanding of addition and subtraction and use these operations to compute multi-digit problems and solve word problems. Advanced students have a foundational understanding of concepts covered in more depth in third grade, including multiplication, place value, fractions, and variables. They understand the properties of rectangles, the basic principles of linear measurement, differences among angles, and combinations of plane figures. Advanced students demonstrate facility with data represented in charts, tallies, and simple graphs. They also can analyze data sets to determine such aspects as the range, the most frequent value, and the difference between the greatest and the least values.

Proficient

Students in grade two at the **proficient** level can add and subtract multi-digit numbers. They can identify the place value of digits in a whole number up to 1,000, compare whole numbers and use inequality symbols, and identify the value of combinations of bills and coins. Using models, they demonstrate understanding of a whole divided into fractional parts. Their understanding of the basic principles of algebra includes the ability to identify the numbers sentence needed to solve a one-step word problem. Proficient students know foundational principles of measurement and geometry: They understand properties of rectangles, identify polygons by the number of sides, measure length, convert hours to minutes, and identify right angles. They also can convert a tally chart to a picture graph and use data from a chart to solve problems.

Basic

Students in grade two at the **basic** level compute multi-digit addition problems and subtraction problems that do not require regrouping. They compare whole numbers. They use models to demonstrate understanding of fractions as parts of a whole. They understand the concept of number sentences. Students at this level possess a variety of measurement skills, including determining the area of a figure given the size of one square unit, choosing an appropriate tool to measure length, converting hours to minutes, and measuring an object by repeating a nonstandard unit. Students at the basic level have some understanding of the graphical representation of data and can convert a tally chart to a picture graph with a one-to-one correspondence.

Below Basic

Students in grade two at the **below basic** level know basic addition and subtraction facts and can usually compute two-digit problems that do not require regrouping. These students have an emerging sense of fractions and may be able to use models to identify how many fractional parts equal a whole and identify a unit fraction as part of a whole. They may select the correct symbol that will make a simple equation true or compare whole numbers. Their measurement skills include identifying some properties of rectangles, identifying the number of sides of a polygon, measuring length, and reading time to the quarter hour. Students at the below basic level also can interpret data from a picture graph and may identify different representations of the same data, using bar and tally charts.

Descriptions for Grade 3 Mathematics Performance Levels

Advanced

Students in grade three at the **advanced** level have an excellent grasp of addition, subtraction, and multiplication of whole numbers and use these operations to solve multi-step word problems. They have a strong understanding of foundational concepts covered in more depth in grade four, including place value, decimals, fractions, comparison of whole numbers, and the relationship between addition and subtraction. Advanced students have learned fundamental concepts of algebra, including identifying the equation involving a variable to solve a word problem and determining the missing number that will make an inequality true. They understand perimeter, area, and volume as well as the properties of triangles. Students at this level also demonstrate an emerging understanding of basic concepts of probability.

Proficient

Students in grade three at the **proficient** level have a grasp of operational procedures including addition, subtraction, and multiplication of whole numbers and problems involving money. They can perform operations in the context of simple, one-step word problems. They have a strong understanding of whole number place value, can compare and order whole numbers, and can add simple fractions with common denominators. Proficient students demonstrate understanding of simple algebraic concepts, including finding the total cost, given unit cost and the number of items, and identifying the missing value to make an equation true. They understand perimeter and find area by counting unit squares. They have a solid grasp of basic principles of geometry, including the properties of quadrilaterals, classification of polygons, and right angles. Students are developing concepts of probability at this level and can identify and read a variety of data representations showing results from probability experiments.

Basic

Students in grade three at the **basic** level perform the operations of addition and subtraction with increasing facility and have an emerging grasp of multiplication. They can identify place value in a whole number less than 10,000 and compare and order three-digit numbers from greatest to least. The algebraic concepts demonstrated by students at this level include identifying the missing operation to make an equation true, using the commutative property of multiplication to identify a solution, and identifying the equation to solve a one-step word problem. These students also possess a variety of skills in measurement and geometry, including converting length using metric units, determining the area of a figure given the size of one square unit, and choosing an appropriate tool to measure length. Basic students also may identify different representations of the same data in a probability experiment.

Below Basic

Students in grade three at the **below basic** level perform multi-digit addition and subtraction problems and add simple fractions with common denominators. They identify an equivalent expression using the commutative property of multiplication and determine the next number in a linear pattern. Students at this level demonstrate a variety of skills in measurement and geometry, including choosing the appropriate tool to measure time, identifying common three-dimensional objects, calculating the perimeter of a polygon, and estimating relative weight of given objects. Students read tally charts and may possess foundational concepts of probability such as the ability to interpret a data display representing the results of a probability experiment.

Descriptions for Grade 4 Mathematics Performance Levels

Advanced

Students in grade four at the **advanced** level understand operational procedures with whole numbers, simple fractions, and decimals, and they apply their understanding in the context of multi-step word problems. They demonstrate a full understanding of factors and place value. They know and use foundational algebraic concepts such as variables, and they solve equations using multiple steps. They understand how to use algebraic formulas. They also demonstrate a strong knowledge of two- and three-dimensional shapes and their attributes. Advanced students correctly interpret models and displays to determine outcomes and combinations.

Proficient

Students in grade four at the **proficient** level have a strong grasp of operational procedures with whole numbers. Students know equivalent notations for decimals and fractions. They can perform operations in the context of word problems. They solve simple algebraic equations and can set up a correct equation from a written description. They determine measurements such as area and perimeter and understand the units required for each. They identify basic attributes of lines and two-dimensional figures and understand the concept of congruence. Proficient students interpret two-variable data from a variety of displays to solve multi-step problems, and they identify possible outcomes of simple combinations.

Basic

Students in grade four at the **basic** level demonstrate some understanding of fractions and decimals, including ordering and comparing mixed numbers, unit fractions, and decimals. They know some of the foundational principles for solving algebraic equations. They understand attributes of quadrilaterals, recognize parallel and perpendicular lines, and find area by counting grid squares. They understand and can identify acute, obtuse, and right angles. Students who are at the basic level can also identify different representations of the same data and may identify the most likely outcome in a probability experiment.

Below Basic

Students in grade four at the **below basic** level compute multi-digit addition problems with regrouping, identify the fractional part of a figure, and identify the missing factor given the other factor. In a familiar context, they may identify that equal amounts added to equal amounts remain equal. Students at this level understand foundational geometric concepts, including visualizing how a two-

dimensional pattern can create a pyramid and identifying congruency. Also, they may identify different representations of the same data and identify the outcome that occurs most often in a data set.

Descriptions for Grade 5 Mathematics Performance Levels

Advanced

Students in grade five at the **advanced** level possess the ability to perform competently operations with whole numbers, fractions, and decimals. They understand key concepts that include finding equivalent fractions and decimals, factoring, rounding, and representing numbers on the number line. Students at this level also have mastered foundational principles of algebra: They can evaluate an expression with one variable, write an expression from a verbal description and write an equation from a function table. Their skills in measurement and geometry include the ability to use the sum of interior angles of polygons and compute perimeter, area, and volume. Advanced students also have a good understanding of statistical graphs.

Proficient

Students in grade five at the **proficient** level have developed a solid number sense as appropriate for grade five. They perform long division with multi-digit divisors, represent numbers on a number line, identify common fraction equivalents for decimals, add and subtract mixed numbers with unlike denominators of 20 or less, and identify the prime factors of numbers through 50. Proficient students also understand important algebraic concepts such as evaluating simple expressions and interpreting line graphs. Their skills in measurement and geometry include computing the perimeter and area of regular polygons, computing the volume of rectangular solids, and identifying angles and lines. Students at this level also can interpret the meaning of points plotted on a simple graph and identify the median of a data set

Basic

Students in grade five at the **basic** level perform operations with whole numbers and identify whole numbers on a number line with positive and negative values. They identify the fraction equivalents for simple decimals and add and subtract mixed numbers with unlike denominators of 20 or less when one denominator is a divisor of the other. They can evaluate simple algebraic expressions with one variable, write a simple expression from a verbal description, and interpret line graphs. They also can identify parallel and perpendicular lines.

Below Basic

Students in grade five at the **below basic** level have a limited facility with the four operations with whole numbers, but they identify numbers on a number line with positive values, may identify the fractional equivalent for a decimal, and may add and subtract mixed numbers with unlike denominators of 20 or less when one denominator is a divisor of the other. Students at this level may evaluate simple algebraic expressions with one variable when expressed arithmetically. They

may compute the perimeter of a regular polygon, identify parallel lines, and identify a point on a graph.

Descriptions for Grade 6 Mathematics Performance Levels

Advanced

Students in grade six at the **advanced** level understand integers and solve word problems that use integers. They solve problems involving ratios, proportions, rate, and order of operations. They understand the underlying principles of algebra and its relationship to geometry. They solve simple linear equations, find the missing angle in situations involving multiple angles, know area and volume formulas, and understand types of triangles. Advanced students solve simple probability problems and understand the ways that probability may be represented. They understand measures of central tendency and can determine how mean and median are affected by changes in the data set.

Proficient

Students in grade six at the **proficient** level have a good understanding of the concepts that underlie grade six mathematics, including integers, percentages, and proportions. They solve problems involving the addition of negative and positive integers, compare and order integers using visual representation, calculate percentages, and set up proportions from concrete situations. Their skills in algebra and geometry include solving one-step equations, writing expressions from word problems, solving problems involving rate, solving for the missing angle in a triangle or a supplementary angle, and identifying types of triangles. Proficient students also understand the basic concepts of probability and measures of central tendency.

Basic

Students in grade six at the **basic** level have mastered some of the basic concepts that underlie the mathematics they will encounter in grade seven. Students at this level compare and order integers with explicit visual representation and can represent integers on a number line. They find the greatest common divisor, solve proportions with 1 in either the numerator or denominator, write simple expressions from word problems, and solve one-step equations using addition or subtraction. They have a limited understanding of triangles but may identify types of triangles and solve for the missing angle. Their skills in data analysis include representing probabilities, creating an organized list, and determining how to conduct a representative survey.

Below Basic

Students in grade six at the **below basic** level may solve proportions in which 1 appears in the numerator or denominator, solve a one-step equation involving addition or subtraction, evaluate a one-step equation using substitution, calculate the volume of a triangular prism, identify common types of triangles, represent

probability as a ratio, percent, or decimal, and understand the concepts of mean and median.

Descriptions for Grade 7 Mathematics Performance Levels

Advanced

Students in grade seven at the **advanced** level have a strong understanding of rational numbers, including scientific notation, exponents, and percents. These students have a strong understanding of the basic elements of pre-algebra, including algebraic expressions and variables. They are fully capable in solving problems in a wide variety of contexts. They have a strong understanding of geometric concepts, including the Pythagorean theorem. The advanced student is able to read and interpret data representations.

Proficient

Students in grade seven at the **proficient** level have a solid understanding of rational numbers, including operations, percents, and absolute value. These students have an understanding of the introductory concepts of functions. They are able to use formulas to solve problems in geometry and are able to solve problems using a variety of measurement systems. Proficient students understand common terms and concepts involving measures of central tendency of data sets, including median, minimum, maximum, and scatter plots.

Basic

Students in grade seven at the **basic** level have a limited understanding of rational numbers, but can convert from one form to another. These students have some understanding of how to apply number sense skills to real-world problems. They have a beginning understanding of graphs and their features. Also, they have some understanding of geometric properties, including the volume of a rectangular prism. Basic students have some understanding of statistics and data analysis, including the median of a data set.

Below Basic

Students in grade seven at the **below basic** level have a minimal understanding of rational numbers. These students understand the basic foundations of exponents. In addition, they have a limited understanding of how to translate between verbal and algebraic expressions. Below basic students have a minimal understanding of some aspects of geometry, such as the concept of congruence. In addition, these students understand only the most basic concepts of statistics, such as the median.

Descriptions for Grade 10 Mathematics Performance Levels

Advanced

Students in grade ten at the **advanced** level have a strong understanding of the properties of real numbers. These students are able to manipulate expressions involving exponents. They have a solid understanding of the fundamental concepts of Algebra, including solving and graphing linear equations. These students are able to solve multi-step problems involving rate and mixture. The advanced student has a strong understanding of the basic concepts of geometry, including the Pythagorean theorem, and uses these concepts in solving problems. They are able to determine the area of figures, with and without a coordinate grid. These students have a solid understanding of data analysis, including how best to represent data in a given situation.

Proficient

Students in grade ten at the **proficient** level are able to manipulate rational numbers and fractions to solve real-world problems and are adept at using scientific notation. Proficient students are able to use their knowledge of algebra to simplify complex expressions including performing operations with polynomials. These students can enumerate possible outcomes to estimate probabilities and understand measures of central tendency, including mean, median, and mode of data sets.

Basic

Students in grade ten at the **basic** level can perform simple numeric operations such as converting percentage increases and adding fractions. These students have some understanding of logical reasoning, including the ability to determine irrelevant information in a problem. They have some understanding of the graphs of linear functions and can interpret specific parts of the graph and use this information to solve problems. The basic student has some understanding of measurement principles, including unit conversion. These students have a limited understanding of data analysis and probability, including interpreting a graph and identifying possible outcomes of a dependent event.

Below Basic

Students in grade ten at the **below basic** level understand elementary properties of numbers, such as absolute values, and can perform basic arithmetic operations to solve problems. They can interpret a simple graph and solve one-step linear equations. These students have a minimal understanding of essential geometric concepts such as perimeters and have some understanding of graphical representations of data, including scatter plots.

Descriptions for General Mathematics Performance Levels

Advanced

Students at the **advanced** level have a strong understanding of number sense, including operations involving whole numbers, decimals, and fractions. These students have a solid understanding of the concepts of pre-algebra, including the concept of a variable. They have a solid understanding of the basic elements of geometry, including the Pythagorean theorem. The advanced student has a strong understanding of data representation, including interpretation of a scatter plot. In addition, these students have a solid understanding of probability, such as finding the probability of an independent event.

Proficient

Students at the **proficient** level have a solid understanding of whole number operations, including exponents and square roots. These students are able to perform some operations with decimals and fractions, including converting fractions to decimals. They have some understanding of equations, including graphs of linear functions and solving real-world problems such as those involving rate and distance. The proficient student understands the general concepts of geometry, including scale drawing and coordinate geometry. These students have a solid understanding of the measures of central tendency, such as computing the median.

Basic

Students at the **basic** level have a limited understanding of number sense. They are able to perform simple operations with fractions. These students have some understanding of solving equations and algebraic expressions. They have limited understanding of key geometry concepts, such as volume. The basic student has some understanding of statistics, such as the median of an ordered data set.

Below Basic

Students at the **below basic** level have a minimal understanding of the basic operations involving fractions and decimals. These students have a limited understanding of problem solving, including real-world applications involving decimal amounts of money. They have a minimal understanding of pre-algebra concepts, such as variables. The below basic student has minimal understanding of geometry. These students have some understanding of the concepts of probability, including the probability of an event occurring or not occurring.

Descriptions for Algebra I Performance Levels

Advanced

Algebra I students at the **advanced** level have a strong understanding of number properties and logical reasoning. They understand equations, including absolute value equations, roots, and systems of linear equations. They are able to manipulate rational expressions. In addition, they fully understand the concept of functions. These students are adept at all aspects of graphing, including linear equations and inequalities. They have a strong understanding of polynomials, including factoring. Also, these students have an understanding of quadratic equations, including graphing and solving.

Proficient

Algebra I students at the **proficient** level have a solid understanding of rational numbers and their properties. They understand algebraic expressions. These students have a solid understanding of polynomials, including simplifying and factoring. Proficient students understand graphing, including intercepts and point-slope equations. These students are adept at solving problems involving context.

Basic

Algebra I students at the **basic** level have a limited understanding of the basic concepts of Algebra I. They have some understanding of algebraic expressions, including monomials. These students understand basic properties of real numbers, such as exponents and the distributive property. The basic student has a limited understanding of graphs of functions (linear and quadratic). These students can solve some problems, including one-step equations and word problems.

Below Basic

Algebra I students at the **below basic** level have a minimal understanding of the concept of variable and other foundational topics of Algebra I. These students have difficulty manipulating algebraic expressions. They have little understanding of functions and their graphs. They have some understanding of number properties.

Descriptions for Geometry Performance Levels

Advanced

Geometry students at the **advanced** level have a strong understanding of logic and reasoning. These students are able to apply these skills to geometric proofs, including congruent triangles. They fully understand the concepts of perimeter and volume and properties of geometric figures. The advanced student has a strong understanding of angle relationships and geometric constructions. These students have a strong understanding of trigonometry and the identities of trigonometric functions.

Proficient

Geometry students at the **proficient** level have a solid understanding of the structure of a proof. These students are able to solve problems involving common two- and three-dimensional figures. They have a solid understanding of properties of right triangles, including the Pythagorean theorem. Proficient students understand basic geometric constructions and can solve basic problems involving trigonometry.

Basic

Geometry students at the **basic** level have a limited understanding of geometric proofs. These students have some understanding of the properties of geometric shapes, including parallelograms. They have a limited understanding of area, perimeter, and volume. The basic student is able to solve simple problems involving simple figures. These students have some understanding of angle relationships, including angles created by parallel lines and a transversal. They have a limited understanding of the properties of quadrilaterals and circles.

Below Basic

Geometry students at the **below basic** level have a minimal understanding of the fundamental concepts of geometry. These students have a minimal understanding of the properties of basic two- and three-dimensional figures. They have a limited understanding of relationships between sides and angles, including the Pythagorean theorem. The below basic student has little to no understanding of trigonometric functions. These students have minimal understanding of geometric constructions.

Descriptions for Algebra II Performance Levels

Advanced

Algebra II students at the **advanced** level have a strong understanding of rational expressions. These students are able to manipulate polynomials, including long division. They are effective problem solvers and have a strong understanding of how to solve quadratic equations in a variety of situations. These students understand the fundamental concepts of conic sections and their equations. Advanced students have a strong understanding of logarithmic functions, including the properties of logarithms. They have a strong understanding of probability and statistics, including conditional probability.

Proficient

Algebra II students at the **proficient** level have a solid understanding of polynomials, including factoring. These students are able to solve systems of equations and inequalities, including those with three variables. They have a solid understanding of exponents and exponential functions, including exponential growth and decay. Proficient students understand the concept of series, including arithmetic and geometric.

Basic

Algebra II students at the **basic** level have a limited understanding of algebraic expressions, including simplifying monomials and polynomials. These students have some understanding of the introductory concepts of quadratic equations, including the graph of a parabola. They have a limited understanding of exponential and logarithmic functions. The basic student is able to solve simple problems involving functions and polynomials.

Below Basic

Algebra II students at the **below basic** level have a minimal understanding of the basic concepts of Algebra II, including solving equations. These students have some understanding of polynomials and algebraic expressions. They have minimal understanding of logarithms and some understanding of complex numbers, including the ability to identify a complex number. They have minimal understanding of exponential functions.

Descriptions for Integrated Mathematics I Performance Levels

Advanced

Integrated Math I students at the **advanced** level have a strong understanding of number properties. These students understand the steps involved in problem solving. They have a solid understanding of polynomials, including simplifying rational expressions. These students understand the fundamental components of a graph's linear functions, including the point-slope formula. Advanced students have a solid understanding of higher-level algebra skills, including the quadratic formula. They understand how to solve problems involving geometric shapes, including how changes in dimension affect the surface area and volume of a figure.

Proficient

Integrated Math I students at the **proficient** level have a solid understanding of real-world applications of algebra, including solving linear equations and inequalities. These students have some understanding of functions and rational expressions, including factoring. They have some understanding of the graphs of linear equations and inequalities. The proficient student can apply common formulas to solve problems, including the quadratic formula. These students understand the general concepts of geometry, including volume and surface area.

Basic

Integrated Math I students at the **basic** level have a limited understanding of number sense. These students understand the concept of a variable, including simplifying algebraic expressions. They have some understanding of rational expressions. The basic student has a beginning understanding of linear equations, including the *x*- and *y*-intercepts of a linear function. They have some understanding of polynomials, including combining like terms. These students have a limited understanding of geometric shapes, including the classification of polygons.

Below Basic

Integrated Math I students at the **below basic** level have a minimal understanding of the properties of real numbers. These students are able to simplify problems involving exponents. They have a minimal understanding of rational expressions. These students have a beginning understanding of the relationship between linear equations and their graphs, including whether or not a point lies on the graph of an equation. The below basic student has little understanding of the higher-level concepts of Algebra I, including factoring polynomials. These students have a limited understanding of two-dimensional shapes in geometry, including the area of triangles and rectangles.

Descriptions for Integrated Mathematics II Performance Levels

Advanced

Integrated Math II students at the **advanced** level are able to solve real-world problems involving quadratic equations. They understand the properties of polygons, including quadrilaterals, and are able to apply that knowledge to solve problems. The advanced student has a good understanding of logic and is able to prove basic theorems of geometry. These students have a strong understanding of the concept of congruence. They understand the standard trigonometric functions and are able to solve problems such as finding the missing side of a triangle. Advanced students also understand the concept of probability, including the probability of an independent event.

Proficient

Integrated Math II students at the **proficient** level have some understanding of algebra concepts, including real-world rate problems. These students have a good understanding of the relationships between angles in geometric figures, including parallel lines and transversals. They are able to perform basic geometric constructions. The proficient student has some understanding of the concept of a geometric proof, including the recognition of necessary theorems and proofs by contradiction. These students have a limited understanding of the concepts of trigonometry, including the definition of the three basic trigonometric functions. They also have a limited understanding of probability, including permutations and combinations.

Basic

Integrated Math II students at the **basic** level have a limited understanding of quadratic functions, including the concept of *x*-intercepts of a function. These students have some understanding of the various types of angles found in geometry, including complementary and supplementary. They have a limited understanding of the concept of congruence and coordinate geometry, including translations, reflections, and rotations. The basic student has a minimal understanding of probability, including the probability of an independent event.

Below Basic

Integrated Math II students at the **below basic** level have a minimal understanding of quadratic equations, including the domain and range of a function. These students have a limited understanding of the key concepts of geometry, including the recognition of types of angles and congruent figures. The below basic student has a minimal understanding of coordinate geometry. In addition, these students have a limited understanding of statistics and probability, including simple probability.

Descriptions for Integrated Mathematics III Performance Levels

Advanced

Integrated Math III students at the **advanced** level have a strong understanding of the properties of circles, including inscribed and circumscribed polygons. These students have a solid understanding of the key concepts of algebra, including simplifying polynomials as well as factoring. They have a strong understanding of the basic elements of exponents and logarithms. The advanced student has a solid understanding of functions, including quadratic equations and complex numbers. These students understand measures of statistics, including variance and standard deviation.

Proficient

Integrated Math III students at the **proficient** level have a solid understanding of some aspects of geometry, including chords, secants, and tangents of a circle. These students have a solid understanding of solving equations and inequalities, including absolute value. They have some understanding of the properties of logarithms and exponents. The proficient student understands how to graph functions, including parabolas, and knows how to determine the roots of the function based on the graph. These students have some understanding of series and sequences, including finding the sum of arithmetic and geometric series.

Basic

Integrated Math III students at the **basic** level have a limited understanding of geometry, including circles, secants, and chords. These students have some understanding of rational expressions, including polynomials. They have a limited understanding of exponents, including the evaluation of expressions. These students have a minimal understanding of the translation of the graph of a quadratic equation. The basic student has some understanding of the theorems in Algebra II, such as the binomial theorem, and how to apply them to solve problems. These students have limited understanding of arithmetic and geometric series, including the common ratio or difference.

Below Basic

Integrated Math III students at the **below basic** level have little understanding of the properties of the relationships between circles and segments, including chords. These students have minimal understanding of the basic concepts of Algebra II, including simplifying polynomials. They have little understanding of exponents and logarithms. The below basic student has a limited understanding of quadratic functions. These students may be able to identify the graph of a quadratic equation. They have little understanding of statistics and probability.

Descriptions for Grade 5 Science Performance Levels

Advanced

Students in grade five at the **advanced** level are able to use science knowledge to make prediction about life, earth, and physical science phenomena. Advanced students have an understanding of principles of the water and rock cycle and are able to describe outcomes based on changes to the respective cycles. They are able to make predictions about organisms' characteristics based on environment. Advanced students understand the role of body systems and the interrelatedness of each. Advanced students grasp how properties of materials affect how they conduct electricity and react with other substances. Advanced students demonstrate movements of celestial bodies and describe how each movement affects other bodies. They are able to take scientific information and plan follow-up studies to broaden understanding.

Proficient

Students in grade five at the **proficient** level demonstrate a good understanding of Earth, space, and living systems. They are able to conduct investigations based on questions and report data. Proficient students are able to describe the importance of the body's systems. They are able to compare properties of substances. They are able to describe which traits are beneficial to organisms and how those traits aid in survival. Proficient students know that planets and other bodies have predictable patterns. They are able to control variables when conducting investigations. They are able to describe the components of the water cycle.

Basic

Students in grade five at the **basic** level show an understanding of Earth, space, and living systems. They are able to conduct investigations using instructions. Basic students are able to identify the functions of the body's systems. They are able to describe properties of substances and some traits that are beneficial to organisms. They are able to identify components of the water cycle and can identify planets and other extraterrestrial bodies. They are able to make and record observations

Below Basic

Students in grade five at the **below basic** level are able to identify Earth and the Sun. They are able to identify water and rock cycle diagrams. Below basic students can use a magnet to identify the magnetic properties of different substances.

Descriptions for Grade 8 Science Performance Levels

Advanced

Students in grade eight at the **advanced** level comprehend principles of density, forces, motion, and the structure of matter. They understand and can explain why different units of measurements are appropriate in different cases. Advanced students are able to define what a chemical change is and describe the defining characteristics of acids and bases. They are able to explain the placement on a periodic table of elements. They can complete a data table using existing information.

Proficient

Students in grade eight at the **proficient** level demonstrate a good understanding of density, forces, motion, and the structure of matter. They can select proper units of measurement. Proficient students can use data to define relationships between variables and identify solutions as acids, bases, or neutrals. They are able to identify groups on the periodic table and describe the general characteristics of these groups. Proficient students can draw relationships from graphs and data tables.

Basic

Students in grade eight at the **basic** level are able to identify the basic concepts of density, force, motion, and structure of matter. They are able to recognize the need for different units of measurement according to the size of what is being measured. They are able to describe a substance as being a solid, liquid, or gas. Basic students are able to identify subatomic particles on a diagram.

Below Basic

Students in grade eight at the **below basic** level can identify properties of substances. They know that atoms have protons, neutrons, and electrons. They are able to sort objects from least dense to most dense. They are able to identify phase changes and properties of substances.

Descriptions for Grade 10 Science Performance Levels

Advanced

Students in grade ten at the **advanced** level are able to construct graphs and tables from data and design investigations to answer scientific questions. They can predict population changes due to changes in environment and in other populations. They are able to describe how body systems affect the functioning of other body systems. The advanced student understands properties of alleles, genotypes, and phenotypes.

Proficient

Students in grade ten at the **proficient** level demonstrate a good understanding of graphs and tables, investigative variables and controls, and data interpretation. The proficient student understands population dynamics and how they change with environmental changes. They grasp the process of photosynthesis. The proficient student understands the function and importance of body systems. They understand the nature of alleles and genetic expression in physical traits. Proficient students understand the differences between mitosis and meiosis and the products of each.

Basic

Students in grade ten at the **basic** level are able to use tables and graphs to answer questions. They can identify variables from a scientific investigation and understand its purpose. Basic students know the major body systems. They know that genes are carried on alleles and that these alleles are transferred to offspring through sexual reproduction.

Below Basic

Students in grade ten at the **below basic** level can differentiate between tables and graphs. They know the body systems and can identify scientific investigations. They know that traits are carried to offspring through sexual reproduction.

CALIFORNIA STATE BOARD OF EDUCATION
1430 N Street, Suite 5111
Sacramento, CA 95814
Phone: (916) 319-0827
Fax: (916) 319-0175

STAFF MEMORANDUM

TO: STATE BOARD OF EDUCATION MEMBERS

FROM: SBE STAFF

DATE: April 17, 2007

RE: BOARD ITEM #5 – U.S. Department of Education Peer Review: Including, but not limited to, performance level descriptors

Issue

In the spring and summer 2006, the U.S. Department of Education reviewed California's standards and assessment system through a peer review process under Title I of the *Elementary and Secondary Education Act*, as amended by the *No Child Left Behind Act* (NCLB). One of the primary findings of the peer review was that California needed to provide performance level descriptors (PLDs) that differentiate among three levels of performance (Basic, Proficient, and Advanced) for mathematics, English language arts, and science. The final peer review is scheduled for the latter half of May. At the latest, we need to respond soon after the Board's meeting on May 9-10. If you do not feel comfortable taking action on this item by the conclusion of Tuesday's discussion, you may ponder the issue for 3 more weeks and vote in May. The potential penalty for failing to comply with this requirement is withholding of 15 percent of California's Title I, Part A administrative funds.

We are required to demonstrate evidence of "descriptions of the content-based competencies associated with each level." (peer review guidance, pg. 14. See also Critical Element 2.3(b), pg. 19) To meet this requirement, the guidance lists as acceptable evidence, "The State has formally approved/adopted academic achievement standards that comprise three (or more) levels of achievement, <u>each of which is associated with a description of the competencies expected of each required grade or grade range in high school</u> and delineated by specific scores on the aligned assessment." (Critical Element 2.3, Examples of Acceptable Evidence, underlining added by SBE staff)[1]

[1] The peer review guidance for this section 2 references Section 111(b)(1) of the NCLB Act and Section 200.1(c)(ii)(B) of the regulations implementing NCLB (34 CFR 200.1) which requires "Descriptions of the competencies associated with each achievement level."

In addition to the federal requirement that each state have PLDs for the assessments that are used for NCLB compliance, California Education Code section 60605.5 requires the Board to adopt PLDs as part of the STAR program by November 15, 2001. Although the State Board adopted PLDs for English language arts in 1999 and for math in 2000, those PLDs were not submitted to Washington then.

What is a Performance Level Descriptor?

Performance level descriptors are narrative descriptions of performance levels. They describe what students should know and be able to do at each of the performance levels. California uses five performance levels for our California Standards Tests (CSTs): Far Below Basic, Below Basic, Basic, Proficient, and Advanced. NCLB requires PLDs for each grade level for each assessment that is used for NCLB accountability.

The primary purpose of PLDs is to assist with the determination of cut scores when an assessment is initially created. Cut scores are the numerical test results that a pupil must achieve to qualify for a given performance level. For example, CST scores range between 150 and 600. The cut score for the *Basic* performance level is 300 and for *Proficient* it is 350.

California's STAR (Standardized Testing and Reporting) Program

There are now 4 assessment instruments used in STAR. Three have been administered in grades 2-11, but 2007 is the last year for testing in grade 2 unless statute is amended. Those 3 are the *California Standards Tests* (a standards-based assessment administered in grades 2-11 for English language arts; 2-11 for math; 8,10,11 for history-social science; and 5,8,10 for all pupils in science and 9-11 for end-of-course science tests); *California Alternate Performance Assessment* [CAPA] (based on a subset of state standards for pupils with significant cognitive disabilities); *Aprenda 3* (a norm-referenced test in Spanish prepared by Harcourt Assessment) and the new *Standards-Based Test in Spanish* [STS] for pupils who have been enrolled in U.S. schools for fewer than 12 months or who receive instruction in Spanish (Aprenda 3 is being phased out, STS is being phased in); pupils who complete Aprenda 3 also are administered the CSTs in English. The fourth instrument is the *California Achievement Tests, 6th edition* (a norm-reference assessment sold by CTB/McGraw; it is administered in grades 3 and 7). The board is contemplating the California Modified Assessment (CMA) as a fifth component of STAR.

CSTs are *essential* for making standards-based curriculum a reality. Use of California's academic content standards is voluntary for school districts. That supposed deference to local control enabled the Legislature and Governor to avoid an expensive

reimbursable state mandate. Alignment with content standards is required for instructional materials. That alignment is a requirement for spending categorical funds appropriated to purchase instructional materials, which also avoids a reimbursable mandate. But embedding standards in textbooks is not sufficient to ensure that standards-aligned curriculum will actually be taught. What puts teeth in the system is state testing.

CSTs are aligned with state standards. CSTs impose accountability. They measure the output of a school system that otherwise is free to stipulate its quality by focusing on inputs (funding, credentials, salaries, class size, facilities, etc.) Anything that detracts from a focus on *what students should learn*, i.e., standards, undermines the purpose and function of our standards-based school system. PLDs describe what students should know and be able to do at each of the performance levels. That is why they are used to establish cut scores. If PLDs describe what students do know, instead of what they should know, they divert attention from the objective of mastering state content standards.

Two Views of Testing

California's CSTs have been designed to assess what pupils *should be taught*, i.e., our standards-based curriculum. An alternative view is that tests should assess what pupils *are taught*. In an ideal world, what students should be taught and what they are taught will be the same. In the world we live in, what should be taught and what is taught often differ. To the extent that we allow what is taught to deviate from what should be taught, we undermine our content standards. Therefore, it is crucial that all elements of our testing program be harmonized to focus on what should be taught.

Board Staff Recommendation

State Board staff recommend that the PLDs adopted by the Board in 1999 for English language arts and in 2000 for math, as reformatted by Board staff, be submitted to the U.S. Department of Education. In 1999 and 2000, the Board adopted PLDs that placed the content strands at the top of the page with the expected level of mastery of those strands appearing separately at the bottom of the page. Board staff have reformatted the PLDs to integrate the statements of mastery with the strands. These PLD s are based on what pupils should know. [Terminology: for each *domain* of instruction, e.g., math, history, science, state content *standards* are group into *strands*. These strands represent the major categories of content within each domain. The HumRRO report refers to *reporting categories*. These reporting categories are always at least as large as a strand. Sometimes they include more than a single strand.]

For science, PLDs were created for the grades 8 and 10 science tests by the Educational Testing Service (ETS) as part of efforts to establish cut scores in February, 2006. These PLDs were based on science content standards, rather than selected

items from the tests themselves. These science descriptors were not approved by the Board, but the process that employed them was authorized by Board action. Failure to approve these descriptors is an unfortunate result of staff and member turnover with its consequent loss of history and attendant inexperience with the issue. The ETS February, 2006, descriptors appear to be suitable for reformatting in a manner similar to what we have done with English language arts and math. The descriptors used in 2004 to set cut scores for grade 5 science will also be reformatted. We recommend that we pursue this course of action over the next three weeks and bring science PLDs to the Board for action at the May 9 meeting.

Board-Adopted PLDs Previously Submitted

In 2006, CDE submitted documentation to the U.S. Department of Education, as part of peer review, that focused on the performance standards setting process and referred only indirectly to the PLDs adopted by the Board in 1999 and 2000. Furthermore, the materials submitted omitted any reference to the Board's explicit intent to imitate the National Assessment of Educational Progress (NAEP) by writing PLDs that describe what students should know and be able to do, and then use those PLDs to establish performance standards. The Board rejected the notion of developing PLDs following performance standard setting because it believed the PLDs should reflect California's expectations for its students.

No one should assume that failure of a peer review committee to accept the fragment of California's PLDs offered last year is an omen of rejection for this year if the complete PLDs are presented and accompanied with documentation of Board approval and of the rationale and procedures used to create the PLDs.

Reasons for Recommendation

Board staff believe their recommendation is justified for 3 reasons.

1. As the HumRRO report makes very explicit, the PLDs recommended by CDE attempt to describe what pupils at each performance level <u>do know</u>, not what they <u>should know</u>. This is a defect that threatens to undermine state content standards by shifting attention from standards, in general, to a subset of the standards reflected in CDE's PLDs that are based on what students <u>do know</u>. Those PLDs are describing test questions, not standards. Teachers, parents, and pupils will conclude that they should concentrate on what those PLDs describe as Advanced, Proficient, Basic, or Below Basic content. Increasing achievement requires us to focus on what students should know.

2. There are good reasons (discussed below) to doubt that our CSTs permit us to measure what pupils <u>do know</u>. PLDs based on what students <u>should</u>

know do not suffer the technical weaknesses of the CDE descriptors. They also affirm previous Board action.

3. Federal guidelines, quoted on page 1, refer to PLDs as "a description of competencies *expected*." (emphasis added) The recommended PLDs satisfy this condition. They describe what students should know. Those PLDs can be used by teachers to guide instruction and by parents and pupils to evaluate academic progress. CDE's rendition of PLDs should not be used for those purposes if we intend to maintain fidelity to our standards.

Before explaining the doubts about whether CDE's recommended PLDs accurately describe what students know, the efforts of HumRRO deserve a comment. HumRRO is a nationwide consulting firm whose professional competence has been demonstrated in a series of reports evaluating development and administration of the California High School Exit Exam (CAHSEE). The invitation extended by CDE for someone to conduct a standards-alignment study of our tests and prepare PLDs was so appealing that HumRRO was the only firm that returned a proposal. There was not much time to do the work, although HumRRO undoubtedly was able to benefit from considerable guidance supplied by CDE. Apparently, little or no information was available about the PLDs already adopted by the Board. Board staff share responsibility for this oversight. Under the circumstances, HumRRO did a respectable job of devising a process for producing PLDs, but process could not overcome data limitations and other deficiencies. Writing PLDs after performance levels have been established is the wrong sequence. Trying to describe what pupils do know when they are enrolled in curriculum designed to provide what they should know is the wrong approach. Nevertheless, HumRRO deserves credit for faithfully fulfilling its contract and for publishing a detailed and informative report of its activities.

What Pupils Do Know is Difficult to Determine

CDE's proposed PLDs attempt to describe what pupils do know, rather than what they should know, but our tests are not intended to communicate information for that purpose. Our CSTs are not diagnostic. They are summative and are intended to assess general mastery of grade level content standards by the pupil population. Rather than report detailed data about particular content, CSTs offer a more general impression about how students are progressing in their efforts to master state content standards. This is useful for monitoring performance and confirming that instruction is standards-based. Our tests do not have the depth of coverage to make precise decisions about the performance or instructional needs of individual students.

For example, tests contain 60-75 questions. Although the number of standards vary, there are usually 45-50 content standards per subject at each grade level. You can see that it is not possible to ask many questions about a given standard. The picture is further complicated by the fact that individual content standards may have several facets. Individual test questions can survey one of those facets, but not all. This means

that a test is unlikely to assess the full range of a single standard. And even if it did, no more than one or two questions could be devoted to that single standard. Our tests do not have enough questions to draw a complete picture of what individual students know.

From one year to the next, the overall level of difficulty of a test form remains substantially unchanged from previous years. (Each year we use a different *form* of the test.) However, while the rigor of the form is generally maintained, the level of difficulty of individual questions written for a standard varies. PLDs based on easy questions about a particular standard will be misleading in years when questions for that standard are difficult. PLDs based on difficult questions will be misleading in years when questions are easy. Fifty percent of the questions in a test form are replaced each year. Half of those removed are released to the public. The other half return to the test question inventory for possible use starting a year later.

HumRRO's procedure relied on 21 teachers, 6 education consultants, 3 curriculum specialists, and 3 district coordinators to prepare the PLDs that CDE is recommending. They worked in teams of 5 people for English language arts, 3 for history/social science, 6 for science, and 4 for most math tests. These teams had about 13-14 test questions per reporting category (reporting categories are at least as large as a strand) and 4-5 reporting categories for each subject tested at each grade level for English language arts and math. History/social science and science had fewer test questions because they are newer tests. Unlike the PLDs adopted by the Board, the ones from CDE were not created in a public process. And they have not been reviewed by an Assessment Review Panel.

All of this means that 2-4 questions per reporting category, or 10-20 per performance level, were used to describe what pupils know at the Advanced, Proficient, and Basic performance levels for English language arts and math. Fewer questions were usually available for Below Basic PLDs. When you consider the small number of questions used to reveal what students know and the weaknesses of this data previously discussed, you can understand that determining what pupils do know is difficult.

This sharpens the contrast between what students should know and what they do know. The content standards and strands tell us what they should know. It is not a matter of interpretation or statistical inference. What students do know is uncertain, primarily because our tests were designed to produce an aggregate picture of the student population, not in-depth information for individual students.

What About the Questions Omitted

The process used to write CDE's PLDs excluded 70%-85% of test questions, depending on the test, because they did not satisfy the selection criteria, i.e., at least two-thirds of test takers answered the question correctly at a given performance level and more than half answered that same question incorrectly at the next lower level, or because they satisfied the criteria but were not selected for use in writing PLDs The knowledge and

academic skills represented by those omitted questions were thereby eliminated from inclusion in PLDs that used test results to express what students do know. If we assume that the large majority of questions represent the large majority of content standards, the method of selecting test questions cannot avoid restricting those PLDs to descriptions of a significantly reduced subset of the curriculum that should be taught. It is possible that for some tests at some grade levels there were 0 or 1 or 2 questions for a reporting category. This would mean that the standards in that reporting category were virtually ignored. Teachers who use those PLDs for guidance in developing lesson plans will shortchange their pupils by failing to expose them to the full curriculum. This prospect justifies a preference for PLDs that describe what learners should know.

Conclusion

In a standards-based curriculum, it makes sense for PLDs to reflect what pupils should know. The U.S. Department of Education has approved use of that approach for other states, e.g., Texas, Oklahoma, and federal guidance has indicated that a PLD is "a description of competencies expected." We should not base PLDs on something else because deviating from what pupils should know reduces our focus on standards-based education. This fact and the weaknesses of using tests with 60-75 questions for 45-50 standards to form conclusions about what students appear to know make a convincing case for sending the U.S. Department of Education the PLDs for English language arts and math adopted by the State Board of Education in 1999 and 2000, and for preparing and adopting science PLDs that share a design similar to those for English language arts and math.

SBE Staff Contact Persons
Roger Magyar and Gary Borden

State Board of Education
April 17, 2007 Item 5

Can we determine what students know?

I have received inquiries about what CSTs reveal and about the full HumRRO report. I apologize for not including the 18 pages of narrative from the full report with what we sent you. CDE agenda item 5 contains the Executive Summary from the report. The narrative offers a more extensive explanation of how PLDs were developed. It also shows how many questions were used for different tests at different grade levels. Here are the numbers from the report for one test.

6th Grade English language arts (ELA)

The analysis used 4 forms (4 annual editions). Each form had 75 questions (300 total). ETS reported that 153 of those 300 questions satisfied the criteria for selecting questions to write PLDs, i.e., at least two-thirds of students answered correctly at the target performance level and more than half answered incorrectly at the next lower level. From the 153 questions that satisfied the criteria, 66 were selected for the 5 educators assigned to write PLDs for that grade and subject. If 66 questions (22%) were used, there were 234 questions (78%) not used. Those 234 questions all represent standards not included in the analysis.

There were 5 reporting categories (a reporting category is at least the size of a strand; strands contain multiple standards). There were also 4 performance levels for which PLDs were written. Allocation of the 66 questions to performance levels was 17 to Advanced, 20 to Proficient, 20 to Basic, and 9 to Below Basic.

The 5 reporting categories apply to each performance level. There were 20 questions used at the Proficient performance level to write a PLD that applied to 5 reporting categories. Those 5 reporting categories contain 51 content standards. Therefore, 20 questions provided the information used to describe proficiency in 51 standards. At the Advanced level, there were 17 questions used to describe Advanced performance in 51 standards.

Remember: standards can be complex. One question cannot adequately assess a standard. Here are 2 of the 6th grade ELA standards. Reading 3.1: *Identify the forms of fiction and describe the major characteristics of each form*. Written and Oral English Language Conventions 1.1: *Use simple, compound, and compound-complex sentences; use effective coordination and subordination of ideas to express complete thoughts*. (Fortunately, we only have to approve the tests. We do not have to answer the questions.)

The purpose of presenting the details for the 6th grade ELA test is to illustrate that empirically based descriptors will not be very helpful if there is not much

empirical evidence to use in writing the descriptors. The method is plausible, but the data are insufficient for the method chosen.

Note: the PLDs recommended by Board staff do not describe every standard, either. Our descriptors are based on what students should know. The PLDs recommended by CDE are based on what students do know, but we cannot determine what they know because our tests do not have enough questions.

The reason we are making such a big deal out of this is that PLDs will be used by teachers to plan instruction. What we send to Washington will sit in a file cabinet. That does not arouse concern. What teachers use will influence the content of their lessons. That arouses concern. If they are focusing on a subset of the standards to achieve Adequate Yearly Progress (AYP)—and at the Proficient level 20 questions is definitely a subset—teachers will ignore many standards.

A standards-based system says all students are capable of learning the standards. We do not assign children to knowledge tracks. That is what leaving no child behind is all about.

Roger Magyar

CALIFORNIA STATE BOARD OF EDUCATION

APRIL 2007 AGENDA

☒ **General Waiver**

SUBJECT	
Stanislaus Union Elementary School District Academic Performance Index (API) Waiver. Specifically, the district requests waiver of a portion of *Education Code (EC)* 52052(a)(2)(D) to allow a customized 2005-06 Growth API to be calculated for **Eisenhut Elementary School.** The custom API score would exclude scores of Special Day Class students attending the school but residing in another attendance area, this would increase the API for the school to meet Immediate Intervention/Underperforming Schools exit criteria. Waiver Number: 19-1-2007	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

Denial is recommended per *EC* Section 33051(a)(1); the educational needs of the pupils are not adequately addressed.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has never heard a waiver of *EC* Section 52052(a)(2)(D) before.

SUMMARY OF KEY ISSUES

The Stanislaus Union Elementary School District (UESD) is asking to waive the part of *EC* Section 52052(a)(2)(D) that relates to API subgroup comparable improvement criteria for pupils with disabilities. This part of the *EC* was adopted to protect the educational needs of pupils with disabilities.

The part of the *EC* Section 52052(a)(2)(D) the Stanislaus UESD is asking to waive does not address the issues that SUESD set forth in their waiver request. Stanislaus UESD is not asking for a waiver from the subgroup comparable improvement criteria, but is instead asking that the subset of students with disabilities that reside outside the school's attendance area be excluded from the schoolwide 2006 Growth API calculation.

Test scores of the students in question constitute less than ten percent of valid test scores schoolwide for Eisenhut Elementary. If these scores were omitted from school wide API calculations, Eisenhut Elementary would meet the Immediate Intervention/Underperforming Schools academic achievement exit requirement.

Prior to 2006, schools could choose to reassign scores of Special Day Class (SDC) students living outside the attendance area from the school to the district for API calculation. In 2006, schools could no longer reassign SDC student scores, and the scores were included in schoolwide API calculations for all schools. Schools that elected to reassign SDC student scores to the district in the past are now held accountable for these students' academic progress.

In 2006, an additional 22 SDC student scores were included in Eisenhut Elementary's API; 20 of these scores were Far Below Basic in both English-language arts and mathematics tests. These students lived outside the school attendance area and were not enrolled in Eisenhut Elementary until grade 5 or 6.

The Stanislaus UESD is asking for a one-year-only waiver so that API calculations in 2005 and 2006 both exclude SDC students residing outside Eisenhut Elementary's attendance area. Then year-to-year growth would be more comparable. When SDC students outside the attendance area are excluded from calculations, the district claims that Eisenhut Elementary shows a 12-point API gain rather than a 26-point API loss in 2006.

There are demographic changes in all schools every year. The API is based on a cohort model measuring year-to-year growth; there is never an exact student match year-to-year. The Department of Education does not calculate customized APIs for schools even when there are boundary changes or other outside forces that significantly change the student population. Schools are responsible for the achievement of all their students regardless of where they reside.

The Department recommends denial of the waiver based on *EC* Section 33051(a)(1); the educational needs of the pupils are not adequately addressed.

Authority for Waiver: *EC* sections 33050-33054

Period of request: July 1, 2006-June 30, 2007

Local board approval date(s): January 16, 2007

Public hearing held on date(s): January 16, 2007

Bargaining unit(s) consulted on date(s): November 16, 2006

Name of bargaining unit/representative(s) consulted: Stanislaus Union Teacher Association (SUTA), Sheila Marable and Mary Farinacci

Position of bargaining unit(s) (choose only one):

☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate): N/A

Public hearing advertised by (choose one or more):

☐ posting in a newspaper ☒ posting at each school ☐ other

Advisory committee(s) consulted: District School Leadership Team (DSLT)

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: December 14, 2006

FISCAL ANALYSIS (AS APPROPRIATE)

No state fiscal impact is expected as a result of approving or denying this waiver.

ATTACHMENT(S)

Attachment 1: General Waiver Request (3 pages) (This attachment is not available for Web viewing. A printed copy is available in the SBE Office or the Waiver Office.)

Attachment 2: Academic Performance Index Graph for Eisenhut Elementary School (1 page) (This attachment is not available for Web viewing. A printed copy is available in the SBE Office or the Waiver Office.)

CALIFORNIA STATE BOARD OF EDUCATION

APRIL 2007 AGENDA

☒ **General Waiver**

SUBJECT	
Request by the **Tehama County Department of Education** to waive a portion of *Education Code (EC)* Section 47607(a) to allow the Tehama County Board of Education to reduce the charter school's renewal term from five years to three years **(Sacramento River Discovery Charter School)**. Waiver Number: 29-1-2007	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

That the waiver exclusively allow the Tehama County Board of Education to reduce the renewal term of the Sacramento River Discovery Charter School from five years to three years (July 1, 2006, to June 30, 2009), and that all other provisions of *EC* Section 47607(a) continue to apply, *EC* 33051(c) will not apply.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE considered one previous waiver pertaining to the five-year charter school renewal term in 2006. That waiver asked for a one year renewal period. The waiver was approved with the condition that all other provisions of *EC* Section 47607(a) continue to apply.

SUMMARY OF KEY ISSUES

Under this waiver request, the Tehama County Department of Education proposes to waive a portion of *EC* Section 47607(a) in order to allow the Tehama County Board of Education to reduce the renewal term of the Sacramento River Discovery Charter School from five years to three years (July 1, 2006, to June 30, 2009).

Reduction of the renewal term is supported by the charter school and is specifically mentioned in the charter as renewed. The school is endeavoring to raise academic achievement and resolve significant fiscal issues. The Tehama County Department of Education and the school agree that limiting the renewal term is appropriate as one element in a comprehensive effort to improve the school's performance and operation.

If approved by the State Board of Education (SBE), the waiver (by terms of the request) would be operative for three consecutive years, following which the information in the waiver request would no longer be current within the meaning of *EC* Section 33051(c). Therefore, the waiver would cease to be operative after June 30, 2009.

Authority for Waiver: *EC* Section 33050

Period of request: July 1, 2006, to June 30, 2009
If approved by the State Board of Education (SBE), the waiver (by terms of the request) would be operative for three consecutive years, following which the information in the waiver request would no longer be current within the meaning of *EC* Section 33051(c). Therefore, the waiver would cease to be operative after June 30, 2009.

Local board approval date(s): January 17, 2007

Public hearing held on date(s): January 17, 2007

Bargaining unit(s) consulted on date(s): Tehama County Certificated Employees Organization and California School Employees Association, Chapter No. 406 – December 5, 2006;

Name of bargaining unit/representative(s) consulted: Mary Craig (Tehama County Certificated Employees Organization) and Dovey Stocks (California School Employees Association, Chapter No. 406)

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate): None

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☐ posting at each school ☒ other (specify)
Posting at Tehama County Department of Education (entrance) and at Sacramento River Discovery Charter School.

Advisory committee(s) consulted: Tehama County Department of Education Lincoln Street School Site Council and Sacramento River Discovery Charter School governing board.

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: Tehama County Department of Education Lincoln Street School Site Council (notified December 5, 2006, scheduled February 26, 2007). Sacramento River Discovery Charter School governing board (January 11, 2007).

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver request would have essentially no impact on state costs. The length of the school's renewal term is fiscally inconsequential. Even if the school were to close, the students would presumably attend other public schools and overall costs to the state would remain approximately the same.

ATTACHMENT (S)

Attachment 1 – General Waiver Request from Tehema County Office of Education (2 pages) (This attachment is not available for web viewing. A printed copy is available in the SBE office or the Waiver Office.)

CALIFORNIA STATE BOARD OF EDUCATION

APRIL 2007 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Santa Clara Unified School District** to waive *Education Code* Section 44065(a)(1), the requirement that a person performing "the work of instructors and the instructional program for pupils" shall hold a "valid credential as appropriate, whichever is designated in regulations adopted by the Commission on Teacher Credentialing". Waiver Number: 8-1-2007	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

Denial is recommended per *Education Code (EC)* 33051(a)(1) The educational needs of pupils are not adequately addressed and *EC* 33051(a)(6) Pupil or personnel protections are jeopardized.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has not previously taken action on a waiver of *EC* 44065(a)(1). Although many sections of the statute on teacher credentialing are excluded from the general waiver authority of the SBE pursuant to *EC* 44225(m), this particular section is not included.

An e-mail from Dale Jansen, Executive Director of the California Commission on Teacher Credentialing states "…the SBE does have the authority to issue the waiver requested. However as a policy matter, it undermines the requirement for a credential. The Commission's waiver authority gives applicants additional time to complete credential requirements but does not waive the requirement for the credential."

SUMMARY OF KEY ISSUES

EC Section 44065(a)(1) requires that persons employed by school districts to perform the work of instructors and the instructional program for pupils shall hold a valid teaching credential as appropriately designated in regulations adopted by the Commission on Teacher Credentialing.

EC sections 45344-45367 also outline the use of paraprofessionals in instructional settings and specify the role of instructional aids as assisting the teacher. Instructional aides may not plan instruction, evaluate students, or assign grades.

A review of the Santa Clara Unified School District (USD) was completed in July 2006 by Mary Jane Roberts, Supervisor, Credential, of the Santa Clara Office of Education

after a parent complaint that classified paraprofessionals, rather than credentialed teachers were being used to provide required physical education instruction of students. A later credential audit by the county found the district continued to have teacher misassignments under the Williams monitoring requirements. The county advised the district to remedy the situation, see e-mail sequence in Attachment 2.

The Santa Clara USD is instead requesting a general waiver of *EC* 44065 (a)(1) to allow paraprofessionals to provide instruction in physical education to pupils in grades 3, 4, and 5. The district has indicated that continuing this practice will enable the district to provide preparation and collaboration time for classroom teachers in a manner that is "financially prudent" (Attachment 1).

California teacher credentialing mandates grant licensure to two groups of teachers to provide instruction in physical education; those teachers who hold single-subject credentials in physical education and teachers who hold multiple-subject teaching credentials. While the requirements for these two credentials are not identical, the required course work and student teaching experiences provide teachers with essential competencies for providing instruction in physical education.

Participation in physical activity is not the same as education and teachers of physical education should be able to:

- Analyze, diagnose, and provide appropriate cues for physical activity performance to maximize student learning.
- Apply a variety of concepts from disciplinary knowledge (motor development and learning; exercise physiology; sociology and psychology of movement; pedagogy) when planning and implementing instruction.
- Develop instructional materials that articulate with content standards.
- Use program evaluation data to inform instruction.
- Demonstrate connections between disciplinary and pedagogical knowledge when selecting and sequencing curriculum content.
- Develop and deliver learning activities that engage all students in meaningful learning tasks.
- Create learning opportunities that are adapted to diverse students.
- Assess student learning regularly using authentic assessment tools.
- Communicate assessment results effectively to relevant constituents and use the results to guide instruction.

Paraprofessionals do not have the educational background, or the professional experiences to enable them to develop the essential competencies to deliver instruction in physical education. The Santa Clara USD provides professional development for the paraprofessionals involved in this program; however, there is insufficient time to provide more than preparation for specific lessons.

The short and long term educational goals of children are not being met when physical education instruction is delivered by non-credentialed personnel. Therefore the California Department of Education recommends that this waiver request be denied based on *EC* 33051(a)(1)The educational needs of pupils are not adequately addressed and *EC* 33051(a)(6) Pupil or personnel protections are jeopardized.

Authority for Waiver: *EC* Section 33050

Period of request: January 27, 2007 – June 30, 2007

Local board approval date(s): January 11, 2007

Public hearing held on date(s): January 11, 2007

Bargaining unit(s) consulted on date(s): January 5, 2007 and January 11, 2007

Name of bargaining unit/representative(s) consulted: United Teachers of Santa Clara

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate):

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☒ posting at each school ☒ other (City library and school district office)

Advisory committee(s) consulted: PTSA Board of the Santa Clara USD

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: Date not provided.

FISCAL ANALYSIS (AS APPROPRIATE)

No fiscal impact is associated with this waiver.

ATTACHMENT(S)

Attachment I: General Waiver Request (4 pages) (This attachment is not available for web viewing. A printed copy is available in the SBE Office or the Waiver Office.)

Attachment 2: E-mail exchange with Santa Clara Office of Education (2 pages) (This attachment is not available for web viewing. A printed copy is available in the SBE office or the Waiver Office.)

E-mail exchange between Mary Jane Roberts, Supervisor, Credentials, from Santa Clara County Office of Education and Steve Stavis, Assistant Superintendent , Santa Clara USD. July 2006 – Feb 2007

>>> "Mary Jane Roberts" <MaryJane_Roberts@sccoe.org> 2/16/2007 11:16 AM
Judy,
I received the below email from Steve Stavis, Asst. Supt., at Santa Clara Unified School District. I am wondering if this appeared on the State Board's agenda for this past meeting or if and when it will appear. Can you please advise?
Thanks so much,
Mary Jane Roberts
Supervisor, Credentials
Santa Clara County Office of Education
1290 Ridder Park Dr., MC 255
San Jose, CA 95131
(408)453-6769

From: Steve Stavis [mailto:sstavis@scusd.net]
Sent: Monday, February 12, 2007 3:44 PM
To: Mary Jane Roberts
Subject: RE: PE Paraprofessionals

Mary Jane:
Thank you for your diligence, persistance and patience. The Board of Trustees authoized my filing a waiver request to the State, asking that paraprofessionals be permitted to complete this school year. We have a fix it plan if we must do so, and will completely reinvent the program with certificated teachers for 2007-2008.

Steve Stavis

From: Mary Jane Roberts [mailto:MaryJane_Roberts@sccoe.org]
Sent: Thu 2/1/2007 4:33 PM
To: Steve Stavis
Cc: Laura Kidwiler
Subject: FW: PE Paraprofessionals
Hi Steve,

I need to follow up with you on the misassignment of PE paraprofessionals providing PE instruction to elementary students while the classroom teacher is on his/her preparation period.

The original parent complaint was on July 14, 2006 and I emailed you (see below). As you will recall, you and I spoke on the phone and you stated that this is how PE

instruction is occurring at the elementary schools in the District. I explained that this is a misassignment and that misassignments need to be corrected within 30 days.

On November 29, 2006 when I was at the district for Williams monitoring, I inquired about the correction of the misassignment of the PE paraprofessionals. You stated that the district was working on a plan for correction.

At this point we are well beyond the legal 30 day correction period and I am required to report this misassignment to the CCTC unless the misassignment has been corrected.

Could you please let me know as soon as possible if and how the district has corrected these misassignments?

Thanks so much, Steve. Let me know if you have any questions,

Mary Jane Roberts

Supervisor, Credentials
Santa Clara County Office of Education
1290 Ridder Park Dr., MC 255
San Jose, CA 95131
(408)453-6769

From: Mary Jane Roberts
Sent: Friday, July 14, 2006 9:45 AM
To: Steve Stavis
Cc: Laura Kidwiler; Cynthia Wright
Subject: PE Paraprofessionals

Steve,
I had an inquiry from a parent of a student at Sutter Elementary regarding PE instruction. This parent is under the impression that the students are instructed by classified PE paraprofessionals while the teacher is having their prep release time. The parent is also under the impression that the lesson plans are done by a certificated person at the district office who oversees all of the PE paraprofessionals. This parent also stated that this type of instruction is taking place at all the elementary schools in the district.

Can you verify for me who is actually physically with the students and provides PE instruction at the elementary schools?

Thanks so much.

Mary Jane Roberts

ITEM #W-4

CALIFORNIA STATE BOARD OF EDUCATION

APRIL 2007 AGENDA

☒ **General Waiver**

SUBJECT	
Request by sixteen local educational agencies (LEA) to waive the State Testing Apportionment Information Report deadline of December 31st in the *California Code of Regulations (CCR)*, Title 5, Section 11517.5(b)(1)(A) regarding the California English Language Development Test (CELDT), or *CCR* Title 5, Section 1225(b)(2)(A) regarding the California High School Exit Examination (CAHSEE), or *CCR*, Title 5, Section 862(c)(2)(A) regarding the Standardized Testing and Reporting Program (STAR). Waiver Numbers: see attached list for specific school districts	☒ **Action** ☐ **Consent**

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has heard this type of waiver request as the deadline for submission of the State Testing Apportionment Information Reports were added to the *CCR* in 2005 with the approval of the SBE.

SUMMARY OF KEY ISSUES

The regulations for the State Testing Apportionment Information Report were amended in 2005 to include an annual deadline of December 31st for the return of the Apportionment Information Report for prior year testing for the STAR, the CAHSEE and the CELDT. The department sent letters announcing the new deadline in regulations to every local educational agency (LEA) advising them of this important change in the *CCR* in September of 2005. This deadline was enacted to speed the process of final reimbursement of testing costs to the LEAs.

The districts filing for this waiver request missed the deadline for requesting reimbursement due to the district closure during the holiday season or because the staff responsible for this report were new to the job and did not realize that there was a deadline of December 31st for turning in this report. A few districts reported that they did not receive the notice in time to respond to the deadline by December 31st although ninety percent of the LEAs submitted their reports on time. Staff verified that these districts needed the waiver and that each district submitted their report before the waiver request was recommended for approval.

These LEAs are now all aware of this important change in the timeline and must submit their reports to the Standard and Assessment Division office for reimbursement. Therefore, the department recommends the approval of these waiver requests as required by regulation prior to final reimbursement.

Authority for Waiver: *EC* Section 33050

Period of request: December 31, 2006 to December 31, 2007

Local board approval date(s): various dates

Public hearing held on date(s): various dates

Bargaining unit(s) consulted on date(s): various dates

Name of bargaining unit/representative(s) consulted: various

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate):

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☒ posting at each school ☒ other (specify)

FISCAL ANALYSIS (AS APPROPRIATE)

The LEAs will not receive the funding to reimburse them for the 2004-2005 tests administered. Attached is a list of the LEAs and the amounts that they will receive from the department if the waiver requests are approved.

ATTACHMENTS

Attachment 1: List of LEAs Requesting Waiver of State Testing Apportionment Information Report Deadline (1 Page)

LEAs Requesting Waiver of State Testing Apportionment
Information Report Deadline – April 2007

LEA Name	Waiver No.	Test Report Missing	Report Submitted Now?	Amount of Reimbursement
Acton-Agua Dulce USD	19-02-2007	STAR	Yes	$3,923.48
Allensworth Elementary SD	09-02-2007	CELDT	Yes	$305.00
Alisal Union Elementary SD	12-02-2007	STAR	Yes	$15,998.39
Big Springs Union Elementary SD	11-03-2007	STAR	Yes	$248.31
Del Paso Heights Elementary SD	04-02-2007	STAR	Yes	$1,751.02
Grossmont Union High SD for Helix Charter School	33-02-2007	STAR	Yes	$4,592.48
Keyes Union SD	05-03-2007	CELDT and STAR	Yes	$1,484.04
Lawndale Elementary SD	21-02-2007	STAR	Yes	$12,069.43
Liberty Elementary SD	26-02-2007	STAR	Yes	$418.32
Los Molinos Unified SD	20-02-2007	CELDT	Yes	$490.00
Los Olivos SD for Olive Grove Charter School	16-02-2007	STAR	Yes	$783.80
Lucerne Valley USD	25-02-2007	STAR	Yes	$2,082.50
Lucia Mar Unified SD	13-02-2007	STAR	Yes	$21,149.24
Mountain Empire USD	22-03-2007	STAR	Yes	$3,452.89
Oceanside Unified SD	10-02-2007	CELDT	Yes	$30,275.00
Solano County Office of Education	04-03-2007	STAR	Yes	$1,143.98
TOTAL				$100,167.88